

Steamboat Caroline

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STEAMBOAT CAROLINE.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The information required by a resolution of the House of Representatives of the 21st ultimo, respecting the Capture and Destruction of the Steamboat Caroline, on the night of the 29th December last, &c.

APRIL 5, 1838.

Referred to the Committee on Foreign Affairs.

To the House of Representatives of the United States :

I herewith transmit to the House of Representatives a report from the Secretary of State, with accompanying papers, in answer to their resolution of the 21st ultimo.

M. VAN BUREN.

WASHINGTON, April 5, 1838.

DEPARTMENT OF STATE,

Washington, April 4, 1838.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 21st ultimo, requesting the President, "if not incompatible with the public interests, to communicate to that House any information possessed by him respecting the capture and destruction of the steamboat Caroline, at Schlosser, during the night of the 29th December last, and the murder of citizens of the United States on board, and all the particulars thereof not heretofore communicated; and especially to inform the House whether said capture was authorized, commanded, or sanctioned, or has been avowed by the British authorities or officers, or any of them; and also what steps have been taken by him to obtain satisfaction from the Government of Great Britain on account of said outrage; and to communicate to the House all correspondence or communications relative thereto, which have passed between the Government of the United States and Great Britain, or any of the public authorities of either:" has

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the honor to lay before the President the accompanying documents, which contain all the information in the possession of this Department relative to the subject of the resolution; and to state, moreover, that instructions have been transmitted to the minister of the United States in London to make a full representation to her Britannic Majesty's Government of the facts connected with this lamentable occurrence; to remonstrate against the unwarrantable course pursued on the occasion by the British troops from Canada; and to express the expectation of this Government that such redress as the nature of the case obviously requires will be promptly given.

Respectfully submitted.

JOHN FORSYTH.

The PRESIDENT of the United States.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,

Washington, January 5, 1838.

SIR: By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this Department of an extraordinary outrage committed from her Britannic Majesty's Province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property and the assassination of citizens of the United States, on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavoring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, have produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon her Majesty's Government. This communication is made to you under the expectation that, through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada of all the circumstances of the transaction, and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible. Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors, and preventing future outrage, the President, nevertheless, has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character; and to make known to you that, if it should occur, he cannot be answerable for the effects of the indignation of the neighboring people of the United States.

I avail myself of this occasion, &c.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,

Washington, January 19, 1838.

SIR: With reference to my note of the 5th instant, communicating to you evidence of an extraordinary outrage committed from her Britannic

Majesty's Province of Upper Canada, on the persons and property of certain citizens of the United States, at Schlosser, within the jurisdiction of the State of New York, on the night of the 29th ultimo, I have now the honor to transmit to you the copy of a letter recently received from the attorney of the United States for the northern district of New York, dated the 8th of the current month, with transcripts of sundry depositions which accompanied it, containing additional information in regard to that most disastrous occurrence. A letter from Mr. George W. Pratt, of the 10th of January, with enclosures relating to the same subject, is also sent.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c.

Mr. Fox to Mr. Forsyth.

WASHINGTON, February 6, 1838.

SIR: With reference to the letters which, by direction of the President, you addressed to me on the 5th and 19th ultimo, respecting the capture and destruction of the steamboat "Caroline," by a Canadian force, on the American side of the Niagara river, within the jurisdiction of the State of New York, I have now the honor to communicate to you the copy of a letter upon that subject which I have received from Sir Francis Head, Lieutenant Governor of the Province of Upper Canada, with divers reports and depositions annexed.

The piratical character of the steamboat "Caroline," and the necessity of self-defence and self-preservation, under which her Majesty's subjects acted in destroying that vessel, would seem to be sufficiently established.

At the time when the event happened, the ordinary laws of the United States were not enforced within the frontier district of the State of New York. The authority of the law was overborne, publicly, by piratical violence. Through such violence, her Majesty's subjects in Upper Canada had already severely suffered; and they were threatened with still further injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security, by pursuing and destroying the vessel of their piratical enemy, wheresoever they might find her.

I avail myself of this occasion to renew to you the assurance of my high respect and consideration.

H. S. FOX.

HON. JOHN FORSYTH, &c.

TORONTO, (UPPER CANADA,) January 8, 1838.

SIR: I have the honor to enclose you the copy of a special message sent by his excellency Governor Marcy to the Legislature of the State of New York, in relation to a matter on which your excellency will desire the earliest and most authentic information. The message only reached this

place yesterday, and I lose no time in communicating with your excellency on the subject.

The Governor of the State of New York complains of the cutting out and burning of the steamboat *Caroline*, by order of Colonel McNab, commanding her Majesty's forces at Chippewa, in the Province of Upper Canada, and of the destruction of the lives of some American citizens who were on board of the boat at the time she was attacked.

The act complained of was done under the following circumstances:

In Upper Canada, which contains a population of about four hundred and fifty thousand souls, the most perfect tranquillity prevailed up to the 4th day of December last, although in the adjoining Province of Lower Canada many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States in 1815 had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not in any degree apply in the upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority.

It had been reported to the Government, some time before the 4th of December, that in a remote portion of the Home district a number of persons occasionally met and drilled with arms, under leaders known to be disaffected; but it was not believed by the Government that any thing more could be intended than to make a show of threatened revolt, in order to create a diversion in favor of the rebels in Lower Canada.

The feeling of loyalty throughout this Province was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of the 4th December, the inhabitants of the city of Toronto were alarmed by the intelligence that about five hundred persons armed with rifles were approaching the city; that they had murdered a gentleman of great respectability in the highway; and had made several persons prisoners. The inhabitants rushed immediately to arms; there were no soldiers in the Province, and no militia had been called out. The Home district, from which this party of armed men came, contains sixty thousand inhabitants; the city of Toronto, ten thousand. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the threatened attack. It seems now to admit of no doubt, that if they had at once advanced against the insurgents, they would have met with no formidable resistance; but it was thought more prudent to wait until a sufficient force should be collected to put the success of an attack beyond question. In the mean time, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but, on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th of December an overwhelming force of militia went against them, and dispersed them without losing a man; taking many prisoners, who were instantly, by my order, released and suffered to depart to their homes. The rest, with their leaders, fled; some have since surren-

dered themselves to justice; many have been taken, and some have escaped from the Province.

It was reported about this time, that in the district of London a similar disposition to rise had been observed, and, in consequence, a militia force of about four hundred men was sent into that district, where it was speedily joined by three times as many of the inhabitants of the district, who assembled voluntarily, and came to their aid with the greatest alacrity.

It was discovered that about three hundred persons under Doctor Duncombe, an American by birth, were assembled with arms; but before the militia could reach them, they dispersed themselves and fled. Of these, by far the greater number came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week perfect tranquillity was restored, and from that moment not a man has been seen in arms against the Government in any part of the Province, with the exception of the hostile aggression upon Navy island, which I shall presently notice; nor has there been the slightest resistance offered to the execution of legal process in a single instance.

After the dispersion of the armed insurgents near Toronto, Mr. McKenzie, their leader, escaped in disguise to the Niagara river, and crossed over to Buffalo. Reports had been spread there, and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumors was well known before McKenzie arrived on the American side. It was known, also, that the ridiculous attempt of four hundred men to revolutionize a country containing nearly half a million inhabitants had been put down by the people instantly and decidedly, without the loss of a man.

Nevertheless, a number of American citizens in Buffalo, and other towns on the frontier of the State of New York, enlisted as soldiers, with the avowed object of invading Canada, and establishing a provisional Government. Public meetings were held, to forward this design of invading a country with which the United States were at peace. Volunteers were called for, and arms, ammunition, and provisions were supplied by contributions openly made. All this was in direct and flagrant violation of the express laws of the United States, as well as of the law of nations.

The civil authorities of Buffalo offered some slight show of resistance to the movement, being urged to interpose by many of the most respectable citizens. But no real impediment was offered; and on the 13th of December some hundreds of the citizens of the State of New York, as an armed body, under the command of a Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy island, a part of Upper Canada, situate in the Niagara river.

Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the arsenals of the State of New York, (clandestinely, as it is said,) several pieces of artillery and other arms, which, in broad daylight, were openly transported to Navy island, without resistance from the American authorities. The people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men enlisted in their ranks.

In a few days their force was variously stated from 500 to 1,500; of whom a small proportion were rebels who had fled from Upper Canada. They

began to intrench themselves, and threatened that they would, in a short time, make a landing on the Canadian side of the Niagara river.

To prevent this, and to keep them in check, a body of militia was hastily collected and stationed on the frontier, under the command of Colonel Cameron, assistant adjutant general of militia, who was succeeded in this command by Colonel McNab, the speaker of the House of Assembly; an officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the London district, and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American Government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo was, without delay, (on the 13th December,) made by me to his excellency the Governor of the State of New York, to which no answer has been received. And after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a special messenger was sent to your excellency at Washington, to urge your interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure, this band of outlaws on Navy island, acting in defiance of the laws and government of both countries, opened a fire from several pieces of ordnance upon the Canadian shore, which, in this part, is thickly settled; the distance from the island being about 600 yards, and within sight of the populous village of Chippewa. They put several balls (six-pound shot) through a house in which a party of militiamen were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though they fired also repeatedly with cannon and musketry upon our boats.

They continued daily to render their position more formidable, receiving constant supplies of men and warlike stores from the State of New York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy island. This place was once, I believe, a military position, before the conquest of Canada from the French; but there is now neither fort nor village there, but merely a single house occupied as a tavern, and a wharf in front of it, to which boats and vessels are moored. The tavern had been, during these lawless proceedings, a rendezvous for the band, (who cannot be called by any name more appropriate than pirates,) and was in fact openly and notoriously resorted to as their headquarters on the main land, and is so to this time. On the 28th December, positive information was given to Colonel McNab, by persons from Buffalo, that a small steamboat called the *Caroline*, of about 50 tons burden, had been hired by the pirates, who call themselves "patriots," and was to be employed in carrying down cannon and other stores, and in transporting men and anything else that might be required between Fort Schlosser and Navy island.

He resolved, if she came down and engaged in this service, to take or destroy her. She did come down agreeably to the information he received; she transported a piece of artillery and other stores to the island, and made repeated passages during the day between the island and the main shore.

In the night he sent a party of militia in boats, with orders to take or destroy her. They proceeded to execute the order. They found the Caroline moored to the wharf opposite to the inn, at Fort Schlosser. In the inn there was a guard of armed men to protect her—part of the pirate force, or acting in their support; on her deck there was an armed party, and a sentinel who demanded the countersign.

Thus identified, as she was, with the force which, in defiance of the law of nations, and every principle of natural justice, had invaded Upper Canada, and made war upon its unoffending inhabitants, she was boarded, and, after a resistance, in which some desperate wounds were inflicted upon the assailants, she was carried. If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors; and it was and is equally unknown to them whether any such were there. Before this vessel was thus taken, not a gun had been fired by the force under the orders of Colonel McNab, even upon this gang of pirates, much less upon any peaceable citizen of the United States. It must, therefore, have been a consciousness of the guilty service she was engaged in, that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed, at such a place, and in such a juncture; and if they were there, their presence, especially unknown as it was to the captors, could not prevent, in law or reason, this necessary act of self-defence.

Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed, and equipped openly in the State of New York. The country where this outrage upon the law of nations was committed is populous. Buffalo also contains 15,000 inhabitants. The public authorities, it is true, gave no countenance to those flagrant acts; but it did not prevent them, or in the slightest degree obstruct them, further than by issuing proclamations, which were disregarded.

Perhaps they could not; but, in either case, the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service. They loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her, set her on fire, and let her drift down the stream.

The prisoners taken were, a man, who, it will be seen by the documents accompanying this despatch, avowed himself to be a subject of her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that Province, and, having fled to the United States, was then on board for the purpose of going to the camp at Navy island; and a boy, who, being born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew, and taken over to our side; from whence he was sent home the next day by the Falls ferry, with money given him to bear his expenses.

I send with this letter—

1st. A copy of my first communication to his excellency Governor Marcy, to which no reply has reached me.

2d. The official reports, correspondence, and militia general order, respecting the destruction of the Caroline, with other documents.

3d. The correspondence between Commissary General Arcularius, of the State of New York, respecting the artillery belonging to the Government of the State of New York, which has been, and is still, used in making war upon this Province.

4th. Other correspondence, arising out of the present state of things on the Niagara frontier.

5th. The special message of Governor Marcy.

It will be seen from these documents, that a high officer of the Government of the State of New York has been sent by his excellency the Governor for the express purpose of regaining possession of the artillery of that State, which is now employed in hostile aggressions upon this portion of her Majesty's dominions; and that, being aided and favored, as he acknowledges, by the most friendly co-operation which the commanding officer of her Majesty's forces could give him, he has been successfully defied by this army of American citizens, and has abandoned the object of his mission in despair.

It can hardly fail, also, to be observed by your excellency, that in the course of this negotiation between Mr. Van Rensselaer and the commissary general of the State of New York, this individual, Mr. Van Rensselaer, has not hesitated to place himself within the immediate jurisdiction of the Government whose laws he had violated, and in direct personal communication with the officer of that Government; and has, nevertheless, been allowed to return unmolested, to continue in command of American citizens engaged in open hostilities against Great Britain.

The exact position, then, of affairs on our frontier may be thus described:

An army of American citizens, joined to a very few traitors from Upper Canada, and under the command of a subject of the United States, has been raised and equipped in the State of New York, against the laws of the United States and the treaties now subsisting; and are using artillery, plundered from the arsenals of the State of New York, in carrying on this piratical warfare against a friendly country.

The officers and Government of the United States, and of the State of New York, have attempted to arrest these proceedings, and to control their citizens; but they have failed. Although this piratical assemblage are thus defying the civil authorities of both countries, Upper Canada alone is the object of their hostilities. The Government of the United States has failed to enforce its authority by any means, civil or military; and the single question (if it be a question) is, whether Upper Canada was bound to refrain from necessary acts of self-defence, against a people whom their own Government either could not or would not control?

In perusing the message of his excellency Governor Marcy to the Legislature of the State of New York, your excellency will probably feel some degree of surprise that, after three weeks' continued hostility carried on by the citizens of New York against the people of Upper Canada, his excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of her Majesty's Province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have the honor to be, sir, your excellency's most obd't humble servant,
F. B. HEAD.

His Excellency HENRY S. FOX,
Her Majesty's Minister, Washington.

GOVERNMENT HOUSE,

Toronto, December 13, 1837.

SIR : Your excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which, within the last few days, has been made in this Province, and which the loyal feeling of the great mass of her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature, in a country immediately adjoining the State under your excellency's government, must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your excellency upon the subject, if I had not received an official paper from the magistracy of the district of Niagara that efforts are made, by calling public meetings in Buffalo to procure countenance and support, among the inhabitants of that city, to the efforts of the disaffected in Upper Canada. I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen, rather than to disturb, the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations ; and when I acquaint your excellency that the armed party of traitors which are now dispersed, during the few days that they remained imbodyed, were guilty of such unprovoked and wanton acts of murder, arson, and robbery as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt that whatever may be justly done by the Government of one friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected from your excellency. It is fit I should apprise your excellency that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with arms, or otherwise, in opposition to the Government. Before the 5th of December there had been about five or six hundred men hastily got together at the instigation of a Mr. McKenzie, the editor of a seditious newspaper here ; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavoring to excite there a support which he fails to meet with in this Province.

I have, &c.

F. B. HEAD.

His Excellency Governor MARCY, *Albany.*

STATE OF NEW YORK,

Niagara Falls, January 5, 1838.

SIR : Enclosed I send you a copy of a letter received this morning from Van Rensselaer, that you may better appreciate the embarrassing situation in which I am placed. From the first moment after my arrival on this frontier, down to the present time, I have sedulously endeavored to accomplish the purposes of my mission by every pacific, mild, and moderate measure which my own or the ingenuity and wisdom of my advisers could suggest ; and all without the slightest success.

For your kind and generous forbearance and courtesy during the pendency of our negotiations, I tender you my grateful acknowledgments.

I can ask for nothing more at your hands; and if the poor deluded beings who have encamped on Navy island be slain, their blood be on their own heads, not mine.

I have, &c.

HENRY ARCULARIUS,
Commissary General.

Colonel ALLEN N. McNAB,
Commanding her Majesty's forces on the Niagara frontier.

HEADQUARTERS, NAVY ISLAND, *January 4, 1838.*

SIR: When I accepted the command of the forces now on this island, I found them in possession of ordnance and arms, some of which I believe were considered as donations from private individuals; others as loans, to be returned whenever the object which called us together might be accomplished.

Since then, many additions have been made upon the same terms, as I understand it; but my vocations have been so manifold, it has not been in my power to know, in all cases, to whom we are obliged for the articles in question.

Since I had the honor to receive your communication of the 2d instant, however, I have consulted the provisional Government, and am to make the necessary inquiries to ascertain whether any of the property on the island belongs to the people of the State of New York the earliest leisure opportunity; and if such should be the case, I am to take the necessary steps to put them in a position where they may be reclaimed, when I will communicate with you again.

RENSS. VAN RENSSELAER,
Commanding, &c.

HENRY ARCULARIUS, Esq.,
Commissary General of the State of New York.

Copy of a reply from the Hon. A. N. McNab to Commissary General Arcularius.

HEADQUARTERS, CHIPPEWA, *January 2, 1838.*

SIR: I have this moment had the honor to receive your communication of this day, in which you solicit a suspension of an attack on the assemblage now lodged on Navy island, until you can demand the surrender of any and all the arms, ordnance, and ordnance stores belonging to the people of the State of New York, of which the assemblage have obtained the clandestine possession, with permission to withdraw the same, if they shall be given up; and assuring me that the above application will be made immediately, and without any delay on your part, or on the part of those citizens to whom the communication is addressed.

As the above application evinces a noble desire on the part of the State of New York sincerely to co-operate with the Government of her Britannic Majesty in maintaining the laws of nations against the atrocious attack of a band of pirates, who have equally insulted the American as

well as the British authorities, by plundering their property, and by openly setting their laws at defiance, I lose no time in assuring you that, having been directed cordially to co-operate with the authorities as well as with the citizens of the United States, in maintaining the treaty which happily exists between them and the British empire, and to do every thing in my power to avoid, if possible, the effusion of human blood, I shall have great pleasure in suspending my attack on the pirates on Navy island, and will cheerfully consent, on the part of her Majesty's Government, that any arms or property they may have stolen from your Government, or from your citizens, may be withdrawn by you from the island, for the purpose of being immediately restored to their rightful owners.

Relying upon receiving from you the earliest possible notice of the result of your laudable exertions, and trusting that the same good feeling which has determined your Government to deprive these people of the arms of the United States, (which, you acknowledge, they have clandestinely possessed themselves of,) will induce you to prevent them from receiving from your shores any further assistance or supplies,

I have, &c.

ALLEN N. McNAB,

Col. Commanding H. M. forces on Niagara frontier.

To Commissary General HENRY ARCULARIUS, Esq.

Copy of a letter from H. W. Rogers, Esq., district attorney for the county of Erie, to the Hon. Colonel McNab, commanding her Majesty's forces at Chippewa.

BUFFALO, December 29, 1837.

SIR: Our city has been thrown into commotion this morning by a report that certain forces under your command had, within the last twelve hours, landed upon Grand island, within the territory of the United States. I have no confidence in the report, and believe it utterly without foundation; but, to quell the apprehensions of our citizens, I have pledged myself, as an acting officer of the Government, to take every possible means to ascertain the truth of the report, and to prevent such an occurrence. In the absence of the marshal, I have commissioned Judge McLean, of this city, to wait on you immediately, and make you acquainted with the present attitude of affairs. The judge will bear this to you, and upon his statements and representations you can rely with the most perfect confidence. Be assured, sir, that the public authorities upon this frontier will put forth every effort to restrain our citizens, and to maintain a strict neutrality.

With great consideration, I am your obedient, humble servant,

H. W. ROGERS,

District Attorney.

To Colonel A. N. McNAB,

Commanding Her Majesty's forces at Chippewa.

*Reply of Colonel McNab to H. W. Rogers, Esq.*HEADQUARTERS, CHIPPEWA, *December 29, 1837.*

SIR : I have the honor to acknowledge the receipt of your letter of this morning, just handed to me by the honorable Mr. Justice McLean.

With respect to the report in the city of Buffalo, that certain forces under my command had landed upon Grand island, (an island within the territory of the United States,) I can assure you that it is entirely without foundation ; and that, so far from having any intention of the kind, such a proceeding would be in direct opposition to the wishes and instructions of her Britannic Majesty's Government in this colony, whose servant I have the honor to be.

Entering at once into the feelings which induced you to address me upon this subject, I beg leave to call your attention to the following facts : that, so far from occupying, or intending to occupy, that, or any other portion of the American country, aggressions of a most serious and hostile nature have been made upon the forces under my command from that island. Two affidavits are now before me, stating that a volley of musketry from Grand island was yesterday fired upon a party of unarmed persons, some of whom were females, without the slightest provocation having been offered ; that on the same day, one of my boats, manned by British subjects, passing along the American shore, and without any cause being given, was fired upon from the American side, near Fort Schlosser, by cannon—the property, I am told, of the United States.

I have also before me most positive information that a steamboat called the *Caroline* was sold to the pirates who have joined the rebels on Navy island, and loaded with provisions and munitions of war, not only within your country, but immediately under the notice of the authorities of the United States and of the citizens of Buffalo, whom you state to have been thrown into commotion by the report mentioned in your communication, and that these stores and munitions had been forwarded to Navy island for the use and assistance of the band of pirates assembled there for the avowed purpose of invading and plundering the country and dividing her Britannic Majesty's lands amongst their deluded followers.

I have, &c.

A. N. McNAB.

H. W. ROGERS, Esq., *District Attorney.*

Copy of a letter from the Hon. John Elmsly, lieutenant R. N., to the Hon. Colonel A. N. McNab.

CHIPPEWA, *December 29, 1837—S. A. M.*

SIR : I have the honor to inform you that I have just returned from the neighborhood of Navy island, to which point I proceeded at day-break, with my spy-glass, to inspect the position of the rebel forces.

Soon after my arrival there, I perceived our eight-oared gig just rounding the northern extremity of Navy island. She had been all round the island, and was fired at from all points of it with round shot, grape, and canister, and musketry.

On our coming abreast of Fort Schlosser, I distinctly saw two dis-

charges of heavy ordnance from a point on the main shore, on the American side, not far from that fort. As soon as our boat had passed, the firing ceased.

I have deemed it no more than my duty to call your attention to this fact, to the truth of which I am prepared to make affidavit whenever called upon.

I have the honor to be, &c.

J. ELMSLY, *Lieutenant R. N.*

The Hon. Col. A. N. McNAB, &c.

Copy of a letter from W. Lockwood, Esq., first lieutenant of the St. Catherine's troop of cavalry, to the Hon. Colonel McNab, &c.

CHIPPewa, December 29, 1837.

SIR: I have the honor to inform you that this morning, at 8 o'clock, about twenty men appeared on Grand island, (two miles below Black creek,) constructing a bridge across a ravine; and when they saw a party of men on the Canada shore, watching their movements, they fired a volley of musketry towards them. After having completed their work, they left two men on the bridge, and retired towards the lower part of the island.

I have, &c.

WILLIAM LOCKWOOD,

First Lieutenant of the St. Catherine's troop of cavalry.

To the Hon. Colonel A. N. McNAB,

Commander-in-chief of the forces of Upper Canada.

UPPER CANADA, *District of Niagara, to wit:*

George Nolop, of the village of Brantford, in the district of Gore, yeoman, deposeth and saith: That he is a British subject; that on the 28th of this present month he went over on business to the United States; that, on arriving at Fort "Schlosser," in the United States, he was taken prisoner by a body of armed men, who said they were citizens of the United States; that he was put under guard, and detained for about twenty-four hours; that he (this deponent) repeatedly applied to be liberated, but was told by the guard that they would not let any damned tory go; that whilst he was a prisoner at Fort Schlosser, he saw a six-pounder, belonging, as his guard informed him, to the United States, taken from the fort, put on board the steamboat Caroline, and taken to Navy island; that while he was prisoner, he heard the men belonging to the boat state that the boat belonged to the patriots, and that she was to be employed in taking stores, guns, and other necessities to Navy island, for the use of the patriot army; that while deponent was a prisoner, some armed men came up to the tavern where he was, and said that the tories had got the boat; that the men turned out and fired upon the persons they called tories; that deponent heard from his guard that there were about thirty armed men on board the boat; that during the confusion he made his escape; that when the men of the boat went down to man her, they marched in regular order; that in the guard-room in the tavern where he was confined, there was a cask filled with six-pound shot, and two casks of grape and canister, and the men belonging to the steamboat said that

said shot had been taken out of the arsenal at Buffalo, and was to be sent to the patriots; that one of the crew told this deponent, after the steamboat had been taken, that he was sentry on deck when the attack was made, and demanded the countersign several times from the attacking party, but they did not give it.

GEORGE NOLOP.

Sworn before me, at Chippewa, this 30th day of December, 1837.

GEO. RYKERT,
Justice of the Peace.

UPPER CANADA, *District of Niagara, to wit:*

Sylvanus Fearn's Wrigley, late of the township of Dumfries, in the district of Gore, laborer, deposeth and saith: That he is a British subject; that he enlisted with Charles Duncombe, and joined him in the London district; that, after Duncombe's men were dispersed, he went with Alfred Luce, another of Duncombe's men, down to Chippewa, and crossed the Niagara river to join the patriots; that he was on board the steamboat Caroline, with the said Alfred Luce, on their way to Navy island, at the time she was captured; that he believes said Luce was killed in the engagement; that he understood the boat to be the property of the patriots; that, on the same day she was captured, she had taken a six-pounder to the island from Schlosser, on the American shore, with provisions and other necessaries for McKenzie's army; that the flag they had on board was a British flag; that deponent saw the cannon put on board; that the cannon, as he understood, was the property of the United States, and that it was in charge of one Parker, who, this deponent understood, was brother to the Parker now in jail in Upper Canada for high treason, and who formerly kept a shop in Hamilton: said Parker had several recruits for McKenzie with him; that, when the boats approached the steamboat, a rifle was fired at them from the steamboat; that he then ran forward to the front part of the steamboat, when he was made a prisoner.

The only firelocks deponent saw on board were muskets and rifles.

SYLVANUS FEARN'S WRIGLEY.

Sworn before me, at Chippewa, this 30th day of December, 1837.

WM. H. MERRITT, *J. P.*

UPPER CANADA, *District of Niagara, to wit:*

Luke Walker, of the city of Buffalo, in the State of New York, in the United States of America, laborer, maketh oath and saith: That he was on board the steamboat Caroline last night, when she was captured; that there were about thirty armed men on board; that the said boat, as he understood, was the property of the patriots on Navy island—she had been employed during the day in taking provisions and stores to the island; that deponent was in the cabin, lying down, when he heard the watch on deck crying out, "Hurrah, boys, here comes the enemy;" that he heard the captain say to the men, "Sleep well to-night, for we shall have hard work to-morrow; there are many gentlemen coming from Rochester, and we shall have to take them over."

LUKE WALKER, his \times mark.

Sworn before me, at Chippewa, (first having been fully read and explained to him,) this 30th of December, 1837.

WM. H. MERRITT, *J. P.*

DISTRICT OF NIAGARA, *to wit* :

James Hood, late of the city of Buffalo, in the State of New York, mariner, but now of the village of Chippewa, in the Province of Upper Canada, maketh oath and saith: That he was at Buffalo when the steamer Caroline was cut out of the ice; he saw the men working at her, and, in his opinion, the number employed could not be much less than one thousand; that it was generally understood that they were volunteers working for McKenzie and the patriots on Navy island, and it was the common talk of the town that the Caroline was intended for the use of the patriots on the island; that he (this deponent) saw on board of the said boat, when she left, muskets, swords, and flour; that he asked Captain Appleby, who commanded the boat, where she was going: and that Appleby said, to Dunkirk, which is forty-five miles above Buffalo; that deponent replied that he believed the Dunkirk he meant would be in another direction—meaning Navy island; that the captain then smiled, and made no reply. Deponent further saith, he has heard many rich people in Buffalo say that, if the patriots would fight, they would find them.

JAS. HOOD.

Sworn before me, at Chippewa, in the district of Niagara, this 8th day of January, 1838.

WARNER NELLES, *J. P.*

DISTRICT OF NIAGARA, *to wit* :

Andrew Drew, of the village of Woodstock, in the district of London, esquire, commander in the royal navy, deposeth and saith: That on the night of the 29th of December last, he proceeded, by direction of Colonel Allen Napin McNab, commanding her Majesty's forces on the Niagara frontier, to take possession of the steamboat Caroline, and that deponent did take possession of her accordingly; that he immediately gave orders for her to be cast off from the wharf to which she was moored, and to be set on fire; that, previously to her being cast off from the wharf, the cabin below was searched, and the colors brought from it; that there was a man found lying in the cabin on deck, severely wounded, and that he was carefully lifted on to the wharf before the vessel was unmoored; that one fire was made in the cabin abaft, and another below in the forepart of the vessel, where the machinery was, and where a quantity of cord-wood was piled together, which was lighted from the coals of the fireplace; that full ten minutes elapsed before the fire started into a blaze, and that one of deponent's own men was there the whole time kindling the fire; that deponent does not believe any living being was on board the Caroline after his party left her, and that it was impossible to suppose any person would have remained there, knowing that a fire was lighting to burn the vessel; that deponent was the last person who left the vessel,

except one, and that man stepped into the boat immediately after him; and that deponent does not believe that any person on board the Caroline jumped or was thrown overboard.

ANDREW DREW,
Commander Royal Navy.

Sworn before me, at Chippewa, this 10th day of January, 1838.

JAMES CUMMINGS, J. P.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,

Washington, February 13, 1838.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, communicating a copy of a letter from Sir Francis Head, Lieutenant Governor of the Province of Upper Canada, respecting the capture and destruction of the steamboat Caroline, by a Canadian force, on the American side of the Niagara river, within the jurisdiction of the State of New York, together with the reports and depositions thereto annexed.

The statement of the facts which these papers present is at variance with the information communicated to this Government respecting that transaction; but it is not intended to enter at present upon an examination of the details of the case, as steps have been taken to obtain the fullest evidence that can be had of the particulars of the outrage, upon the receipt of which it will be made the subject of a formal complaint to the British Government for redress. Even admitting that the documents transmitted with your note contain a correct statement of the occurrence, they furnish no justification of the aggression committed upon the territory of the United States—an aggression which was the more unexpected, as Sir Francis Head, in his speech at the opening of the Parliament of Upper Canada, had expressed his confidence in the disposition of this Government to restrain its citizens from taking part in the conflict which was waging in that Province, and added, that, having communicated with the Governor of the State of New York and yourself, he was then waiting for replies.

It is not necessary to remind you that his expectations have been met by the adoption of measures, on the part of the United States, as prompt and vigorous as they have been successful, in repressing every attempt of the inhabitants of the frontier States to interfere unlawfully in that contest. The most serious obstacle thrown in the way of those measures was the burning of the Caroline, which, while it was of no service to her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the border, which this Government was endeavoring to allay.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c.

BUFFALO, *December 30, 1837.*

SIR: Enclosed are copies of affidavits, which I have prepared in great haste, and which contain all that is material in relation to the gross and extraordinary transaction to which they relate. Our whole frontier is in commotion, and I fear it will be difficult to restrain our citizens from revenging, by a resort to arms, this flagrant invasion of our territory. Every thing that can be, will be done by the public authorities to prevent so injudicious a movement. The respective sheriffs of Erie and Niagara have taken the responsibility of calling out the militia to guard the frontier, and prevent any further depredations.

I am, sir, with great consideration, your obedient servant,
H. W. ROGERS, *District Attorney for Erie county,*
and acting for the United States.

To his Excellency MARTIN VAN BUREN,
President of the United States.

STATE OF NEW YORK, *Niagara county, ss.*

Gilman Appleby, of the city of Buffalo, being sworn, says: That he left the port of Buffalo, on the morning of the 29th instant, in the steamboat Caroline, owned by William Wells, of Buffalo, and bound for Schlosser, upon the east side of the Niagara river, and within the United States. That this deponent commanded the said Caroline, and that she was cleared from Buffalo with a view to run between said Buffalo and Schlosser, carrying passengers, freight, &c. That this deponent caused the said Caroline to be landed at Black Rock, on her way down, and that while at Black Rock this deponent caused the American flag to be run up; and that, soon after leaving Black Rock harbor, a volley of musketry was discharged at the Caroline from the Canadian shore, but without injury. That the said Caroline continued her course down the Niagara river unmolested, and landed outside of certain scows, or boats, attached to Navy island, where a number of passengers disembarked, and, as this deponent supposes, certain articles of freight were landed. That, from this point, the Caroline ran to Schlosser, arriving there at three o'clock in the afternoon. That, between this time and dark, the Caroline made two trips to Navy island, landing as before. That, at about six o'clock in the evening, this deponent caused the said Caroline to be landed at Schlosser, and made fast with chains to the dock at that place. That the crew and officers of the Caroline numbered ten; and that, in the course of the evening, twenty-three individuals, all of whom were citizens of the United States, came on board the Caroline, and requested this deponent, and other officers of the boat, to permit them to remain on board during the night, as they were unable to get lodgings at the tavern near by: their requests were acceded to, and the persons thus coming on board retired to rest, as did also the crew and officers of the Caroline, except such as were stationed to watch during the night. That about midnight, this deponent was informed by one of the watch that several boats, filled with men, were making towards the Caroline from the river; and this deponent immediately gave the alarm, and, before he was able to reach the deck, the Caroline was boarded by some seventy or eighty men, all of whom were armed. That they

immediately commenced a warfare, with muskets, swords, and cutlasses, upon the defenceless crew and passengers of the *Caroline*, under a fierce cry of "G—d damn them! give them no quarters! kill every man! fire, fire!" That the *Caroline* was abandoned without resistance, and the only effort made, by either the crew or passengers, seemed to be to escape slaughter. That this deponent narrowly escaped, having received several wounds, none of which, however, are of a serious character. That immediately after the *Caroline* fell into the hands of the armed force who boarded her, she was set on fire, cut loose from the dock, was towed into the current of the river, and there abandoned, and soon after descended the Niagara falls. That this deponent has made vigilant search after the individuals, thirty-three in number, who are known to have been upon the *Caroline* at the time she was boarded, and twenty-one only are to be found; one of whom, to wit, Amos Durfee, of Buffalo, was found dead upon the dock, having received a shot from a musket, the ball of which penetrated the back part of the head, and came out at the forehead. James H. King and Captain C. F. Harding were seriously, though not mortally, wounded; several others received slight wounds. The twelve individuals who are missing this deponent has no doubt were either murdered upon the steamboat, or found a watery grave in the cataract of the falls. And this deponent further says, that immediately after the *Caroline* was got into the current of the stream, and abandoned, as before stated, beacons were discovered upon the Canada shore, near Chippewa; and after sufficient time had elapsed to enable the boats to reach that shore, this deponent distinctly heard loud and vociferous cheering at that point. That this deponent has no doubt that the individuals who boarded the *Caroline* were part of the British forces now stationed at Chippewa.

GILMAN APPLEBY.

Subscribed and sworn, December 30th, 1837, before me,

S. B. PIPER,

Commissioner of Deeds, &c. for Niagara county.

STATE OF NEW YORK, *Niagara county, ss.*

Charles F. Harding, James H. King, Joshua H. Smith, Williams Seaman, William Kennedy, William Wells, John Leonard, Sylvanus Staring, and John C. Haggerty, being sworn, severally depose and say: That they heard the foregoing affidavit of Gilman Appleby read; that they were on the *Caroline* at the time she was boarded, as stated in said affidavit; and that all the facts sworn to by said Appleby as occurring after the said *Caroline* was so boarded, as aforesaid, are correct and true.

C. F. HARDING,
JAMES H. KING,
J. H. SMITH,
WILLIAMS SEAMAN,
WILLIAM KENNEDY,
WILLIAM WELLS,
JOHN LEONARD,
SYLVANUS STARING,
JOHN C. HAGGERTY.

Sworn and subscribed, December 30th, 1837, before me,

S. B. PIPER,

Commissioner of Deeds for Niagara county.

BUFFALO, *January 8, 1838.*

SIR: I have the honor to hand you, for the information of the President, copies of sundry affidavits relating to the destruction of the steamboat *Caroline* at Schlosser, within the territory of the State of New York, the originals of which are retained in my possession. I am informed by H. W. Rogers, Esq. of this city, that a communication in relation to the burning of the steamboat and other matters connected with that unfortunate event have been communicated to the President.

I am, most respectfully, your obedient servant,

N. S. BENTON, *District Attorney.*

HON. JOHN FORSYTH,
Secretary of State.

STATE OF NEW YORK, *Erie county, ss.*

Samuel M. Longley, residing in Buffalo, being sworn, deposes and says: That he has just returned to this city from Canada; that, whilst there, he was in the village of Queenstown; that he was in said village on the evening of the 30th of December, 1837; that, whilst in the bar-room of the Queen's Hotel, where he put up, he saw there a number of persons, among whom was a man whom this deponent was informed was Lieutenant McDonald or McDonough, of the militia; also, a young and tall man of the name of Allen, as this deponent was informed. There were several others with the said McDonald and Allen. The said McDonald or McDonough stated in the presence of this deponent that he was one of the party who crossed from the Canada side to Schlosser, to attack the steamboat *Caroline*; that there were, in all, from forty to seventy persons in the boats which crossed; that there were four boats, in all, that crossed. That the boats were under the command of three naval officers. That the enterprise was undertaken to excite the people of the United States to war. That they were acting under authority. That before leaving Canada they knew where the boat lay. That on approaching the boat, they were hailed by the sentry on board the boat; that they replied, "friends;" that they immediately boarded, and commenced firing upon the persons on board the boat, who were then just rushing up from the cabin. The said McDonough or McDonald further stated, that the names of the naval officers who were in command were Warren, Mosier, and Drew. On answering the sentinel that they were friends, they were fired upon by the sentinel from the steamboat. They immediately fired at, and killed him. That on ascending the boat, they commenced an indiscriminate slaughter, giving no quarter. A man of the name of Arnold attacked a man on board the steamboat who resisted; the said Arnold received a wound; he then knocked down the man, and with his foot held him down, and with his pistol beat the man's face until his teeth were all beaten out; that Arnold then knocked his brains out with his pistol, and then continued beating him until he had shattered his pistol. That Arnold carried the pistol over to Chippewa, all covered with the brains of the murdered man, and boasted of the deed, exhibiting his pistol as proof of the fact. That after firing the boat and cutting her loose, the said Warren remained on board the boat, to prevent any persons who might be below from escaping. That

on several persons coming up from the cabin, they were all stabbed with a sword by the said Warren; that the said Warren remained on board the steamboat for the purpose of preventing said escape, until he was obliged to leave the boat on account of the fire. The said McDonough further stated, that they knew that the persons whom they attacked were citizens of the United States. That they took two prisoners, and that they were now at Chippewa; and that violent means had been used to force the said prisoners to unfold the plans of the force on Navy island, and on the frontier. The said McDonough further stated, that they knew that the boat was from Buffalo, and that she did not belong to Navy island. That they expected that there were a great many persons on board; and that having gone over in order to murder so many persons, they were disappointed in finding so few persons on board. That there were killed twelve or fourteen persons. The said Allen, who was in company with the said McDonough or McDonald, stated the same matters and facts as McDonough. They were then on their way to Cobourg, where they resided.

S. M. LONGLEY.

Sworn before me, this 1st day of January, A. D. 1838.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

STATE OF NEW YORK, *Erie county*, ss.

Gilman Appleby, Williams Seaman, jun., John C. Haggerty, Charles F. Harding, William Kennedy, and William Wells, being duly sworn, say, and each for himself says: That since making affidavits on the 30th instant, in the county of Niagara, in relation to the outrage upon the steamboat Caroline, at Fort Schlosser, they have heard certain papers read purporting to be copies of affidavits made at Chippewa, Upper Canada, on the 30th instant, by Luke Walker and Sylvanus Fearn's Wrigley, before William H. Merriitt, Esq.; and they further say, that there were no armed men on board of said steamboat Caroline on the night of the 29th instant, except the British force which attacked said steamboat; and the said Gilman Appleby says that he did not *say*, and the other deponents say that they did not hear any person say that night, "sleep well to night, for we shall have hard work to-morrow; there are many gentlemen from Rochester, and we shall have to take them over," or any such expression.

These deponents also say, each for himself, that the only flag on said steamboat Caroline was the *American flag*; that they heard no firing from the steamboat at any time before or during the fight, for they had no fire-arms on board with which they could fire, except as stated below in this affidavit.

These deponents further say, and each for himself says, that it was not understood on board of said steamboat that she was the property of the patriots on Navy island, but it was well understood on board that she was the property of William Wells of the city of Buffalo.

The said John C. Haggerty says that he had in his pocket a pistol with about a four-inch barrel to it, but it was not loaded, and was not out of his pocket during the night; and he had nothing with which he could have loaded it.

And these deponents severally say, that they are citizens of the United States; and further say not.

GILMAN APPLEBY,
WILLIAMS SEAMAN, Jun.,
JOHN C. HAGGERTY,
CHARLES F. HARDING,
WILLIAM KENNEDY,
WILLIAM WELLS.

Sworn before me, December 31, 1837,

D. TILLINGHAST,
Sup. Court Com.

ERIE COUNTY, ss.

I certify the foregoing to be a true copy of an original affidavit taken before me this day.

D. TILLINGHAST,
Sup. Court Com.

BUFFALO, *December 31, 1837.*

STATE OF NEW YORK, *Erie county, ss.*

James H. King, of the city of Buffalo, being duly sworn, says that he made an affidavit on the 30th December last, in relation to the outrage on the steamboat Caroline, on the night of the 29th December last, at Schlosser; that he has heard the foregoing affidavit, made by Gilman Appleby, Williams Seaman, jun., John C. Haggerty, Charles F. Harding, William Kennedy, and William Wells, and the copies of affidavits of Luke Walker, and Sylvanus Fearn's Wrigley, mentioned therein, read; that the facts stated in said affidavit of Gilman Appleby, and others, are true; that deponent is a citizen of the United States. JAMES H. KING.

Sworn before me, January 8, 1838.

D. TILLINGHAST,
Sup. Court Com.

ERIE COUNTY, ss.

I certify that the foregoing is a copy of an affidavit this day taken before me.

D. TILLINGHAST,
Sup. Court Com.

BUFFALO, *January 8, 1838.*

I hereby certify that I heard several of the officers under the command of Colonel McNab, at Chippewa, say on Saturday morning, the 30th instant, that the expedition which took the steamboat Caroline, on the night previous, had acted properly, and that the men did perfectly correct in going into an American port and massacring the persons on board the steamboat Caroline. That there were two officers who made such expressions, and that he knows they were officers from the fact that they were dressed in uniform, and had on one or two epaulettes and iron swords. That they said the reason of their sending to take the boat was, that she was furnishing and carrying arms and provisions to the troops on Navy island, which they gave as a justification. That deponent resides

at Chippewa in Upper Canada, and left there yesterday morning, and that he did not know the names or rank of the officers who made such expressions.

PHILO S. SMITH.

Sworn and subscribed before me, this 31st day of December, 1837.

N. K. HALL,

Alderman 5th Ward of the city of Buffalo.

STATE OF NEW YORK, *County of Niagara, ss.*

Henry, Emmons, of the town of Niagara, in said county, being duly sworn, says: That he is bar-tender at the public house kept by James Field, at Schlosser in said county, and has been such bar-tender for one month preceding the day of the taking this affidavit. That there never has been an individual detained by a military guard at Schlosser during any part of that time; and this deponent further says, that, from his employment at Schlosser, it would be impossible for any person to be detained there without the knowledge of this deponent. That particularly no such person as George Nolop ever was known to be at Schlosser in any manner. And this deponent further says, that he has read a copy of George Nolop's affidavit, taken at the district of Niagara, in Upper Canada, on the thirtieth day of December last, and that no part of the same is true to the knowledge or belief of deponent. And this deponent further says, that there is no fort at Schlosser, or nearer that place than Fort Niagara, a distance of sixteen miles from Schlosser. That there never was a cask filled with six-pound shot, or two casks of grape and canister in the house or near the premises where this deponent resides. And this deponent further says, that no person fired a gun at the persons engaged in taking the boat Caroline and massacring the persons on board of her, and that there were no armed men near the boat at the time she lay at the wharf. That, so far as he saw or believes, no guns or arms were carried on board said Caroline by the persons going on board to sleep the night she was taken.

HENRY EMMONS.

Sworn and subscribed, this 1st day of January, 1838, before me,

JAMES M. SMITH, Jr.

Commissioner of Deeds.

STATE OF NEW YORK, *County of Niagara, ss.*

Benjamin Holt, Milton Keyes, Alanson Liscom, William Chappell, and E. Benton Reynolds, all of Schlosser, in said county, being duly sworn, say that they have heard the foregoing affidavit of Henry Emmons read, and that the same is true in all respects, from their knowledge and belief; and that each and all of these deponents were at Schlosser at the time the steamboat Caroline was taken and burnt.

BENJAMIN HOLT,
E. BENTON REYNOLDS,
ALANSON LISCOM,
MILTON KEYES,
WILLIAM CHAPPELL.

Sworn and subscribed, this 1st day of January, 1838, before me,

JAMES M. SMITH, Jr.

Commissioner of Deeds.

ROCHESTER, *January 10, 1838.*

SIR: Colonel McNab, having avowed that the steamboat *Caroline* was destroyed by his orders, justifies himself by the plea, sustained by affidavits, that hostilities were commenced from the American shore.

I enclose you the affidavits of four respectable citizens of Rochester, who were present at the time, who contradict the assertions of Colonel McNab.

I have the honor to be, your obedient servant,

GEORGE W. PRATT.

To the PRESIDENT.

The undersigned, citizens of the United States, residing in the county of Monroe, having had our attention called to the official statement of Colonel A. N. McNab, accompanied by documents, represent that they all staid at Schlosser on the night of the twenty-eighth day of December last. That there is but one dwelling at or near Fort Schlosser, which is the tavern kept by James Field, and at which they staid on the night aforesaid; that on the said night there was no body of armed men at or about the said tavern, and there was no person at that place detained as a prisoner, or kept under guard, or confined in any way, as represented in the affidavit of George Nolop, accompanying the communication of Colonel McNab. That Old Fort Schlosser is entirely in ruins, and there was no fortification of any kind at said place, or any garrison or military station at that place on the evening or night of the twenty-eighth day of December aforesaid.

That on the night aforesaid, the tavern at which these deponents staid was crowded, and these deponents all slept on the floor, and rose very early in the morning. That just about the time of their rising as aforesaid, they heard the discharge of cannon either from Navy island or the main land of Upper Canada; and these deponents immediately went out and down to the shore of the Niagara river; that no cannon or gun of any kind was discharged from the American shore during the morning of the twenty-ninth day of December last.

The undersigned Amos Sawyer further states, that whilst standing on the shore, and after his companions separated from him some distance, he saw a boat coming round the upper end of Navy island, and pass down the river between that island and the lower end of Grand island. That whilst the boat was so passing round said Navy island, and down the river as aforesaid, several gun or cannon shots were discharged from said Navy island towards said boat. That the said deponent continued to watch said boat until she arrived at Chippewa, on the main land of the Canada shore; that said Sawyer has no doubt that said boat was the same under charge of Lieutenant J. Elmsley, of the royal navy, referred to in his letter to Colonel McNab. That from the time the said boat appeared in sight at the upper end of Navy island until she landed at Chippewa, there was no cannon or gun of any kind discharged from Fort Schlosser, or from the American shore at or near said place, or within hearing at said place.

AMOS SAWYER,
MATHEW LEFFINGWELL,
DANIEL OSBORN,
NATHAN H. BLOSSOM.

MONROE COUNTY, ss.

The above-named Amos Sawyer, Mathew Leffingwell, Daniel Osborn, and Nathan H. Blossom, being by me sworn, deposed and said that the statements above mentioned, by them respectively made and subscribed, are correct and true.

Sworn this 9th day of January, 1838.

ELISHA JOHNSON,
Mayor of Rochester.

BUFFALO, *January 16, 1838.*

SIR: Yours of the 6th instant, addressed to Mr. Benton, United States attorney for the northern district of this State, came to hand on Saturday last. Mr. Benton had previously left this city for Albany, whither he has gone to attend court, which he deemed absolutely necessary for the public interests, giving me instructions to act in his behalf during his absence. I shall proceed immediately to collect the information desired, so far as it is in my power to do so, and keep you constantly advised of the progress of my efforts. Enclosed I send you copies of affidavits taken subsequently to the transmission of the first documents in reference to the Schlosser affair; some of which, and especially the one made by Appleby and others, were intended to meet certain points made in the affidavits taken under the direction of Colonel McNab, with copies of which you have been already put in possession by the Canadian authorities, as I understand. I have written for, and shall probably receive to-morrow, a certified copy of the minutes of the grand jury taken by the district attorney of Niagara county, upon the complaint preferred against some of the prisoners engaged in the capture of the Caroline, and the murdering of her inmates; which I will immediately forward to your Department. I will endeavor at the same time to send other affidavits throwing light upon the same transaction. It is possible you have already received from Mr. Benton copies of some of the affidavits herewith sent, but, for greater certainty, I forward at this time all now in my possession.

I have the honor to be, with the highest consideration, your obedient servant,

H. W. ROGERS,
Dist. Atty. for the County of Erie, &c.

HON. JOHN FORSYTH.

STATE OF NEW YORK, *Erie county, ss:*

Gilman Appleby, Williams Seaman, junior, John C. Haggerty, Charles F. Harding, William Kennedy, and William Wells, being duly sworn, say, and each for himself says: That, since making affidavits on the 30th instant, in the county of Niagara, in relation to the outrage upon the steamboat Caroline at Fort Schlosser, they have heard certain papers read, purporting to be copies of affidavits made at Chippewa, Upper Canada, on the 30th instant, by Luke Walker and Sylvanus Fearn Wrigley, before William H. Merriitt, Esquire; and they further say that there were no armed men on board of said steamboat Caroline on the night of the 29th instant, except the British force which attacked the said steamboat; and

the said Gilman Appleby says that he did not say, and the other deponents say that they did not hear any person say that night, "Sleep well to-night, for we shall have hard work to-morrow; there are many gentlemen from Rochester, and we shall have to take them over," or any such expression.

These deponents also say, each for himself, that the only flag on said steamboat Caroline was the American flag; that they heard no firing from the steamboat at any time before or during the fight; for they had no fire-arms on board with which they could fire, except as stated below in this affidavit.

These deponents further say, and each for himself says, that it was not understood on board of said steamboat that she was the property of the patriots on Navy island; but it was well understood on board that she was the property of William Wells, of the city of Buffalo.

The said John C. Haggerty says, that he had in his pocket a pistol with about a four-inch barrel to it, but it was not loaded, and was not out of deponent's pocket during the night, and he had nothing with which he could have loaded it.

And these deponents severally say that they are citizens of the United States; and further say not.

GILMAN APPLEBY,
WILLIAMS SEAMAN, JR.,
JOHN C. HAGGERTY,
C. F. HARDING,
WILLIAM KENNEDY,
WILLIAM WELLS.

Sworn before me, December 31, 1837.

D. TILLINGHAST, *Sup. Court Com.*

STATE OF NEW YORK, *Erie county*, ss:

James H. King, of the city of Buffalo, being duly sworn, says: That he made an affidavit in Niagara county on the 30th December last, in relation to the outrage on the steamboat Caroline on the night of the 29th December at Schlosser; that he has heard the foregoing affidavit made by Gilman Appleby, Williams Seaman, junior, John C. Haggerty, Charles F. Harding, William Kennedy, and William Wells, and the copies of affidavits of Luke Walker and Sylvanus Fearn's Wrigley, mentioned therein, read; that the facts stated in said affidavits of Gilman Appleby and others are true; that deponent is a citizen of the United States.

JAMES H. KING.

Sworn before me, January 8, 1838.

D. TILLINGHAST, *Sup. Court Com.*

STATE OF NEW YORK, *Erie county*, ss:

Samuel M. Longley, residing in Buffalo, being sworn, deposes and says: That he has just returned to this city from Canada; that, whilst there, he was in the village of Queenstown; that he was in said village on the evening of the 30th of December, 1837; that whilst in the bar-room of the Queen's Hotel, where he put up, he saw there a number of persons, among

whom was a man whom this deponent was informed was Lieutenant McDonald or McDonough, of the militia; also a young and tall man of the name of Allen, as this deponent was informed. There were several others with the said McDonald and Allen. The said McDonald or McDonough stated, in the presence of this deponent, that he was one of the party who crossed from the Canada side to Schlosser to attack the steamboat Caroline; that there were, in all, from forty to seventy persons in the boats which crossed; that there were four boats, in all, that crossed; that the boats were under the command of three naval officers; that the enterprise was undertaken to excite the people of the United States to war; that they were acting under authority; that before leaving Canada they knew where the boat lay; that on approaching the boat they were hailed by the sentry on board the boat; that they replied "friends;" that they immediately boarded and commenced firing upon the persons on board the boat who were just then rushing up from the cabin. The said McDonough or McDonald further stated that the names of the naval officers who were in command were Warren, Mosier, and Drew; on answering to the sentinel that they were friends, they were fired upon by the sentinel from the steamboat; they immediately fired at and killed him; that on ascending the boat, they commenced an indiscriminate slaughter, giving no quarter. A man of the name of Arnold attacked a man on board of the steamboat who resisted; the said Arnold received a wound; he then knocked down the man, and with his foot held him down, and with his pistol beat the man's face until his teeth were all beaten out; that Arnold then knocked his brains out with his pistol, and then continued beating him until he had shattered his pistol; that Arnold carried the pistol over to Chippewa all covered with the brains of the murdered man, and boasted of the deed, exhibiting his pistol as proof of the fact. That after firing the boat and cutting her loose, the said Warren remained on board the boat, to prevent any persons who might be below from escaping; that on several persons coming up from the cabin, they were all stabbed with a sword by the said Warren; that the said Warren remained on board the steamboat for said purpose of preventing said escape, until he was obliged to leave the boat on account of the fire. The said McDonough further stated that they knew that the persons whom they attacked were citizens of the United States; that they took two persons prisoners, and that they were now at Chippewa; and that violent means had been used to force the said prisoners to unfold the plans of the force on Navy island and on the frontier. The said McDonough further stated that they knew that the boat was from Buffalo, and that she did not belong to Navy island; that they expected that there were a great many persons on board; and that having gone over in order to murder so many persons, they were disappointed in finding so few persons on board; that there were killed twelve or fourteen persons. The said Allen, who was in company with the said McDonough or McDonald, stated the same matters and facts as McDonough. They were then on their way to Coburg, where they resided.

S. M. LONGLEY.

Sworn before me, this 1st day of January, A. D. 1838.

H. A. SALISBURY,
Com. of deeds for Erie County.

STATE OF NEW YORK, *County of Erie, ss:*

Norman Barnum being duly sworn, says: That on the 29th day of December instant, this deponent was at the British encampment at Chippewa, in Upper Canada; that during the afternoon of that day, this deponent saw the steamboat Caroline passing from Schlosser, on the American or United States side of the Niagara river, to Navy island; that immediately after the Caroline was seen so passing, a great excitement prevailed among the officers and soldiers at Chippewa, under the command of Colonel Allen McNab; that it was then determined by some of the officers under the command of Colonel McNab to seize the said Caroline, and the command of the expedition was given to Captain Mosier. That this deponent further says that he heard distinctly Colonel Allen McNabb say to the officers engaged in said expedition, that if the cavalry soldiers would let their swords and pistols go, he would be personally responsible for their return.

And this deponent further says, about eight o'clock in the evening twelve boats left Chippewa, with the intention of seizing the said steamboat, and bringing her a prize to Chippewa; that at the time the said boats started, the lights from said steamboat were distinctly seen, and it was well known that said steamboat lay at the wharf at Schlosser.

And this deponent further says, that among the officers and persons engaged in said expedition were said Mosier, Rowland McDonald, and Alexander McLeod, and that the said McLeod boasted, when he returned to Chippewa, that his sword had drunk the blood of two men on board the said steamboat. And this deponent further says, that soon after said boats had left Chippewa, preparations were made to build beacon-lights a little above Chippewa; and soon after the signal was given from the boats, two beacons were lighted, and the boats returned to them.

And this deponent further says, that from what he heard and saw during the day and night at Chippewa, he has not the least doubt but that Colonel McNab was acquainted with, and approved of, said expedition.

NORMAN BARNUM.

Sworn and subscribed this 31st day of December, 1837, before me,

N. K. HALL,

Alderman 5th ward of the city of Buffalo.

STATE OF NEW YORK, *county of Niagara, ss.*

Henry Emmons, of the town of Niagara, in said county, being duly sworn, says: That he is bar-tender at the public house kept by James Fields, at Schlosser, in said county, and has been such bar-tender for one month preceding the day of taking this affidavit. That there never has been an individual detained by a military guard at Schlosser during any part of that time: and this deponent further says, that, from his employment at Schlosser, it would be impossible for any person to be detained there without the knowledge of this deponent. That, particularly, no such person as George Nolop ever was known to be at Schlosser in any manner. And this deponent further says, that he has read a copy of George Nolop's affidavit, taken at the district of Niagara, in Upper Canada, on the thirtieth day of December last, and that no part of the same is true, to the knowledge or belief of deponent. And this deponent further says, that there is no fort at Schlosser, or nearer that place than Fort

Niagara, a distance of sixteen miles from Schlosser : that there never was a cask filled with six-pound shot, or two casks of grape and canister, in the house, or near the premises where this deponent resides. And this deponent further says, that no person fired a gun at the persons engaged in taking the boat Caroline and massacring the persons on board of her, and that there were no armed men near the boat at the time she lay at the wharf ; that, so far as he saw and believes, no guns or arms were carried on board said Caroline by the persons going on board to sleep the night she was taken.

HENRY EMMONS.

Sworn and subscribed this 1st day of January, 1838, before me,

JAMES M. SMITH,

Commissioner of Deeds.

STATE OF NEW YORK, *county of Niagara, ss.*

Benjamin Holt, Milton Keyes, Alanson Liscom, William Chappell, and E. Burton Reynolds, all of Schlosser, in said county, being duly sworn, say, that they have heard the foregoing affidavit of Henry Emmons read, and the same is true in all respects, from their knowledge and belief ; and that each and all of these deponents were at Schlosser at the time the steamboat Caroline was taken and burnt.

BENJAMIN HOLT,
E. BURTON REYNOLDS,
ALANSON LISCOM,
MILTON KEYES,
WILLIAM CHAPPELL.

Sworn and subscribed this 1st day of January, 1838, before me,

JAMES M. SMITH,

Commissioner of Deeds.

STATE OF NEW YORK, *County of Niagara, ss.*

Luke Walker, of Buffalo, in the county of Erie, being duly sworn, deposes and says, he is nineteen years old ; that on Saturday morning, the 30th December, 1837, about half past 12 o'clock, he was on board the steamboat Caroline, which was at that time lying at the wharf called Schlosser landing, about two miles and a half from the falls of Niagara, in the town of Niagara, in the county of Niagara ; that on board of the said boat this deponent thinks there were about twenty-five or thirty men ; that this deponent at the time last aforesaid was awoke by some persons breaking in doors and windows of said boat ; that he immediately got up and went on deck, and saw a number of armed men—should think about forty or fifty ; that the men were armed with pikes, swords, and pistols ; that this deponent saw one man wounded, who lay on deck ; that this deponent was seized and thrown down on said man, and one of the men who were on said boat threatened to run this deponent through, unless he would tell where the men were who were on the boat ; this deponent was thrown down upon the wounded man, and when he came in contact with him, was covered with blood ; heard the man groan, and say, "Oh ! dear." This deponent was taken into one of the boats that contained the men who boarded the steamboat Caroline, and carried to Chipewewa, in Upper Canada, to the officers' quarters ; this deponent was

asked if he knew of the steamboat Caroline having carried any thing to the island, and how many men there were on Navy island, and many other questions which this deponent does not recollect; that the men in said boats towed said boat into the river; that they set fire to it, and it went over the falls; and this deponent further says, that before they took the boat from the shore and towed her into the river, they set fire to it in the cabin on deck, and could not get it to burn until they tore down some of the doors and used them as kindling wood; that when the men came on said boat, this deponent heard some of them say, Give no quarters; that the men on board the steamboat had no arms; that this deponent went on board to sleep; that one of the men on board was called McCormick, and one Zeland. Witness heard other names mentioned, but does not recollect them.

One of the men said he went on to the wharf and turned over a negro man that was dead; that the men who boarded the Caroline remained at the landing about three-fourths of an hour before they took her off; that at the time they landed at Chippewa, there was a large body of men collected at the place of landing, who had a large fire for the purpose of affording a light to the men who had boarded and burnt the Caroline; that when some of the men who had boarded the Caroline landed, those assembled gave three cheers; that while on the Canadian side, he heard many of them say that the burning of the Caroline was one of the best acts that could have been done; that if the Yankees want to war with them, they will catch it; that they detained him (witness) until the afternoon of Saturday, 31st December, and then gave witness a pass.

LUKE WALKER, his + mark.

Subscribed and sworn January 1, 1838, before me,

C. W. SMITH,

Commissioner of Deeds, &c.

STATE OF NEW YORK, *Erie County, ss.*

Alfred Luce, being duly sworn, deposes and says: That his late residence has been in the town of Dumfries, Gore district, Upper Canada; that he, in company with Sylvanus Fearn's Wrigley, was on board the steamboat Caroline, at Schlosser, on the evening of the 29th December last; that he had retired to sleep in the upper deck cabin, at an early hour; about midnight he was awakened by one of the watch on board, and was requested to give up his berth to him; he accordingly did so, and went down into the lower cabin; in a short time Mr. Kennedy, another of the steamboat watch, made an outcry to Captain Appleby that boats full of men, calling themselves friends, were coming up to the Caroline; this deponent immediately ran upon deck, and discovered the boats coming under the stern of the Caroline along the side of the wharf, and the men commenced jumping on the wharf. At this instant deponent passed off the forward part of the steamboat upon the open floor of the warehouse, and, while going to the main deck, two muskets were fired from the boats, and Mr. Durfee, who was about six feet from deponent, a little in the rear, fell; deponent escaped to the road, heard firing and clashing of arms. This deponent further says, that there were no arms nor armed men on board the Caroline, nor were there any upon the wharf, nor upon the shore.

Deponent has read the affidavit attributed to the above-named Sylvanus Fearn's Wrigley, and from his knowledge of him, being an intimate acquaintance and relative, is positive that if he made said affidavit, the material part must have been from compulsion and terror.

ALFRED LUCE.

Sworn before me, this twelfth day of January, 1838,

MILTON McNIEL,

Commissioner of Deeds for Erie County.

STATE OF NEW YORK, *County of Niagara, ss.*

Parkhurst Whitney, of the town and county of Niagara, being duly sworn, doth depose and say : That on the 4th day of January, in the year 1838, at Chippewa, in the Province of Upper Canada, he had an interview with Sir Francis Bond Head, Lieutenant Governor of said Province ; that, in the course of conversation with said Sir Francis Bond Head, the capture and destruction of the steamboat Caroline, and the killing of some of her inmates, was spoken of and conversed about freely, both by this deponent and the said Sir Francis Bond Head ; that in such conversation it was understood and admitted by the said Sir Francis Bond Head, that the said Caroline was captured and taken at Schlosser, and within the United States ; that the said Sir Francis Bond Head expressly and distinctly stated to this deponent that he fully justified and approved of the capture and destruction of the said Caroline, and of the circumstances under which it was effected ; that the said Caroline was a piratical vessel, and that it was alike the duty of his Government and that of the United States, and all others, to seize her wherever found ; that this conversation took place at the headquarters of Colonel McNab, commanding her Britannic Majesty's forces at Chippewa aforesaid ; and further this deponent saith not.

PARKHURST WHITNEY.

Subscribed and sworn, January 14, 1838, before me,

W. HUNT,

First Judge of Niagara County.

STATE OF NEW YORK, *County of Erie, ss.*

Samuel Chase and John Hebard, of the city of Buffalo, in the said county of Erie, and John Vail, of Hanover, in the county of Chautauque, being duly sworn, depose and say, and each for himself says : That he has known the steamboat Caroline for at least four years next previous to her capture and destruction by British troops at or near Schlosser, on the 30th day of December last past ; and these deponents, each for himself, says, that they were well acquainted with the construction of the said steamboat and with her machinery, and that she was worth, at the time of her capture and destruction as aforesaid, exclusive of her furniture, the sum of four thousand and five hundred dollars. These deponents further say, that they have understood, and verily believe, that the said steamboat, at the time of her capture and destruction as aforesaid, was owned by William Wells, of the city of Buffalo, in the county of Erie aforesaid, and that a part of the furniture and other property then in the said steamboat was also owned by the said William Wells, to wit : one table, worth, in the opinion of these deponents, the sum of six dollars ;

one stove worth thirty-five dollars ; oil and jugs worth ten dollars ; one carpet worth five dollars ; an awning worth ten dollars ; bar furniture worth five dollars ; one overcoat worth twenty-five dollars ; an oil-can, four lamps, four brooms, and wash-bowl, worth in the aggregate at least the sum of four dollars ; and further these deponents say not.

SAMUEL CHASE,
JOHN HEBARD,
JOHN VAIL.

Subscribed and sworn, January 16, 1838, before me,
ISAAC HUMPHREY,
Judge of Erie County Courts.

BUFFALO, *January 16, 1838.*

SIR : This morning I enclosed to you copies of several affidavits in reference to the Schlosser affair, and intended, but neglected, to say that the original affidavits are in my possession, and will be handed over to Mr. Benton as soon as he returns ; that none of them shall be published in the papers here or elsewhere, by any permission from me. Some of them have been heretofore published, though I now regret it.

It will be several days, probably, before I shall be able to get any thing like satisfactory proof covering the whole ground of your instructions. There shall be no unnecessary delay on my part. I regret that it so happens that Mr. Benton cannot be here, both because it would relieve me from much personal anxiety and be more satisfactory to the Department over which you have the honor to preside.

I have the honor to be, sir, with great consideration, your obedient humble servant,

H. W. ROGERS.

HON. JOHN FORSYTH.

LOCKPORT, N. Y., *January 23, 1838.*

DEAR SIR : At suggestion of H. W. Rogers, district attorney of Erie, I enclose to you a copy of the grand jury's minutes, taken by them relative to the murder on board of steamboat Caroline, at Schlosser.

Yours, truly,

R. H. STEVENS.

HON. JOHN FORSYTH.

NIAGARA GENERAL SESSIONS,

January Term, 1838.

The People of the State of New York

vs.

Allen N. McNab, John Mosier, James Chalmers, Angus McLeod, Edgeworth Usher, Edward Zealand, John B. Warrens, William Warrens, Peter Rigley, Thomas McCormick, Rowland McDonald, Jared F. Jarvis.

BILL FOR MURDER.

Complaint in this case for murder of William Durfee and others, on board steamboat Caroline, at Schlosser, in the town of Niagara, 29th De-

ember last : ——— being duly sworn, deposes and says, that he was in Canada, near Chippewa, at the time steamboat was burnt ; lives near there ; he has given his name to district attorney, but don't want to be known just now. There were about twelve boats started from Chippewa creek, containing from seven to twelve men in each ; it was said there, that they were to burn steamboat then lying at Schlosser wharf ; the steamboat was then in sight of Canada side. Before boats started, some of the men wanted some swords that the officers or horsemen had, and they were not willing to let these boatmen have them, when a man at the officers' barracks, whose name he learned was Allen McNab, said to these horsemen or officers that he (McNab) would be responsible for a safe return of the swords ; these horsemen then gave the swords to men, who were going across in boats. It was the general rumor, in all the camp, that McNab ordered this expedition, and that John Mosier was to head it, and the guards so understood it. About twelve at night, two beacon-lights were stuck up on the Canada shore, and a few minutes after this he saw steamboat on fire, and it went over the falls ; when the men who went out on these boats came back and passed these beacon-lights, they hurraed, and said it was a Yankee trick. It was said there, that McLeod bragged of having killed three of the damned Yankees ; saw a young man they called a prisoner in the guard-house, an officer each side of him, examining him ; saw a man next morning at Schlosser ; he was shot through his head, and was dead ; his name was William Durfee ; Captain Harding was wounded in his head with a sword-cut.

Luke Walker, sworn, says : Last Friday he was on board steamboat Caroline ; twenty-five or thirty were on board her. About half-past twelve at night, first he heard was, "here is the enemy," and then they in boat all rushed up stairs. One man lay on deck wounded ; they thrêw down witness on top of this wounded man ; they asked witness if he knew where the men were who were on board of the steamboat, and witness said "no ;" they then told witness to tell, or they would run him through ; witness said he did not know, as he had only come on board to sleep. They then went to a man who was wounded, and asked him same, and the man answered same as witness did. They then caught witness and threw him into a yawl-boat, leaving wounded man on deck ; heard a pistol go off ; he heard a man hollow "murder," behind partition. They asked this man where the men were on board ; the man said he did not know. One said, "run him through ;" and the man behind partition hollowed "murder." One fellow, after they got into Canada, told witness "he went a number of times to run witness through, but did not do it after all." Witness did not hear this man's name ; he was a young man, and was about twenty-two years old ; had on no whiskers ; was thick-set, and short. Captain McCormick was on board boat the witness was put into ; heard him so called by the crew ; just as steamboat took fire, crew called, and said, "where is Captain McCormick ?" and he said, "I'm here—let me jump in ;" and he got off steamboat with yawl-boat. After they got across into Canada, he heard Captain Mosier's name spoken of ; he heard Captain Zealand's name when he was on steamboat ; he heard Jarvis's name mentioned, but can't tell whether it was on steamboat, or after they got into Canada ; is not sure which. He went into officers' camp, and saw Colonel McNab, who asked witness if he knew steamboat did business for Navy island or not. When there,

(in officers' camp,) he heard one man say he knocked one man's brains out with pistol, down into the fire-hole ; McNab was there then in camp, and heard this. Another said he run a man through three times, down among engines, and left him there. There was much crowd then in McNab's quarters. Witness was told McNab was head man, and was a fine man ; was sent for by McNab three or four times ; the second time he went to McNab, he called a justice of peace, and swore witness as to what steamboat was going to do. One said he turned over a negro on deck, dead. Over in Canada, witness saw a man with the guard, dressed in blue roundabout and cloth cap, who asked witness if he did not recollect of riding in a wagon, near Black Rock, with him, the day before the night the steamboat was burnt ; witness answered "no ;" (but witness says he knew him, but would not let him know it—he did ride with him in a wagon, near Black Rock ;) the man then said, You are an old boy, and ought to be hung ; the man was then spoke to by guard ; they said to the man, "You warn't on that steamboat?" the fellow answered he was, and could prove it. This man was about twenty-five years old, and shortish, and witness would know him anywhere ; he looked somelike a sailor ; (this was Monday morning ;) five boats came to steamboat ; understood that twelve started to go. After McNab swore witness, he gave him five or six shillings, and told him to go home. Another man was taken from steamboat to Canada, and they said they would hang him.

When these men came on to steamboat, they hallooed "no quarters;" the men who belonged to boat had no arms ; he heard in McNab's camp a man tell McNab that none of them men were hurt, except one old man, who was wounded in the arm ; and the man said he guessed some of their own men did it by mistake.

Witness has been a driver on Erie canal ; when he was on steamboat he expected to be run through, but he should not flinched, but should stood it. McNab asked witness if he was intending to go on to island ; witness told him "no," (for he knew too well that if he did tell him right, he should not get back, and so he told him a straight story.) There was about fifty in these five boats ; seven was in the boat witness was put into ; Captain McCormick jumped into yawl-boat, and as he jumped into it, he (McCormick) stumped his toe and fell into the river, and they pulled him out, and they were a little bewildered, and went down stream, and they hallooed out, "this is the way, and that is the way," and they turned their boats about, and run so as to go above lights on the other side of the line.

Thomas Sage, sworn, says : He was in Canada last Friday ; came home across ferry at Lewiston, 4 P. M. ; Saturday he was at St. David's, in Canada, and heard men there talking about burning steamboat, and that it went over falls with twenty-odd in it. One man was there who told witness he jammed them down in the engine-way, and bolted hatches, and served them all as they would serve all the damned Yankees ; Mc something—it sounded somelike McDonald, could not say certainly ; some of these men were from Coburg ; Chisholm's name was mentioned as one of the crew ; McLeod, sheriff, was also named ; Warren's name was mentioned.

Gilman Appleby, sworn, says : Twenty-ninth December he was in steamboat Caroline ; witness was master ; had on American flag ; British fired at steamboat while coming down above Grand island ; the men on board steamboat was thirty-three in all ; gave his berth to a gentleman from Ro

chester to sleep in; Captain Harding got out first; when witness was going up, he met McLeod, who said, "down, you damned Yankee," and then run sword near witness's breast, down his belly; it went between clothes and skin, and witness fell and feigned dead; saw one dead man on deck; did not know who it was; they shot boy, called "*Little Bill*," his real name was Johnston; heard Mosier's name called while on deck. There must have been eleven killed, as this number is missing, besides the prisoners; he knew three, which he saw killed, William Durfee, Little Billy, and a dead man on deck; one negro was wounded; Mr. King so badly wounded that he may not live; Harding wounded by sword-cut on head; some of them said half dozen times, "show the damned Yankees no quarters;" they said so before they come on to boat. There was not an armed man on the steamboat other than those who came from Canada on to her in the small boats—not even so much as a pocket-pistol. This fellow, who was taken prisoner, (not Walker,) was a man who pretended he had come from Duncombe's army; witness saw his affidavit at Buffalo, which was taken in Canada to that effect. Little Billy was run through while witness was in warehouse; he groaned and staggered and fell in the river; witness saw the blood, and he saw where ball struck that was fired at Bill. This spy, who said he was from Duncombe's army, swore, in Canada, that there were thirty armed men on steamboat when Canada boats came up; witness says there was not one armed.

Daniel J. Stuart resides at Buffalo; was on steamboat Caroline same night she was burnt; the crew and passengers were not armed. Witness was watch on deck; heard no names called on deck; the first man who came on deck was a full-faced man, and, as witness met him, the man unsheathed his sword, and witness turned, and a gun was fired from below, in small boats, but it did not hit witness; another gun was fired, and witness run, and up boat; this spy was called Peter; saw lights across on Canada shore.

Charles F. Harding lives at Buffalo; Captain Kennedy was on watch, and came and said a boat was coming, and in a few minutes came again and said several boats are coming; the firing commenced; witness started, and fell over a dead man; heard swords ringing, and shouting and saying fire; witness got on fore-castle and looked for something in hopes to help his friends Appleby and Wills, who were below; a man rushed at him with a sword, and said, "who are you?" and witness said, stop; the fellow struck, and hit upper deck. Another man was looking at witness, probably to see who witness was; witness grabbed the fellow's hands around the butt end of a pistol; *this fellow might have gone overboard if he was a mind to*. Another man came before witness and made a stroke, but did not hit; struck twice, and did not hit; then a volley of bullets came from aft; and as witness turned he was hit on head with sword; he stumbled and fell partly down over a negro, and negro shoved the witness forward some; witness kept hold of negro's shoulder. The man who struck witness, he supposes, lives at Coburg, and thinks his name was Warren; eleven were killed; thirty-three on board; there were five boats; about sixty men.

Mr. Loughley, merchant, of Buffalo, swore that Rowland McDonald, brewer, of Coburg, was one of the masters of the Canada boats, and one of the gang; Peter Rigley was spy.

Sylvanus Starring, of Buffalo, sworn, says: He was on watch between

eight and ten o'clock at night; while he was on watch, two men came and said they wanted lodgings; they went away; steamboat's crew had no arms. When first alarm was given, witness supposed it was a joke; but soon another alarm was given, and witness jumped and put on boots, and the firing began, and singing out "give the damned rascals no quarters: kill every *damn'd one of 'em*, and secure gangways." Witness picked up his coat and put it on his arm, and made for forward gangway, and near chimney were a cluster of men, who appeared to be at work at some one, and witness got along among their legs, and got a blow over the eye, as with a musket-stock; saw no man that he knew. As witness was struck, he cried out, "hold on!" he then got another blow, which brought him on to the deck; he ran a little ways and stopped, and thought a little, and started to run again, and was afraid and could not run. Saw Durfee after he was killed; this Durfee stood watch that night with the witness; in the evening, as near as he can tell, there were thirty-odd men on board steamboat; and he can account for eighteen. He took the invaders to be Canadians. After witness stopped, he saw lights—one on Canada shore, near the cut from Chippewa creek, in the Niagara river; the murderers went towards these lights; after they had fired the steamboat, they gave three cheers.

William Wells, of Buffalo, got names from McKenzie, Angus McLeod, McGwin, now or late clerk with McLin, of Chippewa, John Mosier. Witness got off boat after she was on fire; they had made two or three attempts to fire her; witness was the last man who got off boat, and he stumbled over some men below, who were alive, and they probably went over falls. Some one seized Durfee by the collar, and said, "who the devil are you? Go ashore with me, or I will blow your damn'd brains out," &c. He soon heard a gun go off; he looked up on deck and saw three have hold of one man by his arms; another was behind, punching this man, or cutting him to pieces. Witness owned this steamboat; had thirty-three on board; ten were killed, or went over falls. Witness passed one dead man on the dock, who was not Durfee.

Joshua H. Smith, of Buffalo, was sworn, and said: On the night the boat was burnt, at twelve o'clock, he was in ladies' cabin when alarm was given. The men on board steamboat were not armed. When alarm was given second time, five or six boats were coming up armed. Harring was along a little forward, and a gun was fired, and a man behind witness fell on deck; some blood got on to the witness from this man; this man could not have been Durfee. Witness got off, and ran up railroad, and when boats went away, he went back to dock, and found Durfee on dock, dead. Thirty-three were on board; seventeen accounted for, so far as he can tell; calling the spy one, would make eighteen who have been found. Saw lights *strike* upon Canada shore, and those boats rowed towards these lights; don't know any of them.

Robert H. Steele, of Lockport, sworn: Was at Hamilton, and went to get a pass to come home, and the man told him they barred the hatches down, and some twenty went over the falls. The man had a piece of the wreck of the boat in his hands, and said McDonald and McCormick were in the affair. The man pretended they found the boat at Navy island. This man was talking with Col. Chisholm, who seemed not to give credit to what was said, and said people were fools for believing all they heard. Did not learn the names of the men.

NIAGARA COUNTY, ss.

I, Robert H. Stevens, district attorney of Niagara county, in the State of New York, do certify that the foregoing is, in substance and effect, all the testimony taken by the grand jury of said county at the late Niagara grand sessions of the peace, at which time a complaint was pending against the several persons named at the commencement of this testimony; and I further certify that I have copied the foregoing from the original minutes taken by said grand jury, and by them handed to me, and now in my possession. Dated at Lockport 25th January, 1838.

R. H. STEVENS.

BUFFALO, *February 6, 1838.*

SIR: In obedience to the instructions contained in your letter of the 6th of January last, wherein I was directed by the President to collect all the evidence within my reach of the circumstances relating to the extraordinary outrage committed at Schlosser; the value of the property destroyed; the names of the persons killed and wounded; the fate of those who were carried off; and especially the names and official characters of the persons who were the perpetrators or the instigators of those acts of atrocity, I have now the honor to hand you, for the information of the President, all the evidence I have been able to procure in regard to that most extraordinary outrage. I should have put your Department in possession of these papers at an earlier day, but, as I have before advised you, the letter containing the instructions came to this city during my absence, and I found it at Little Falls on my return from Albany, where I had been to attend a stated session of the district court. On my arrival in this city, I commenced collecting information and drawing up the affidavits which are enclosed; and have progressed therein with all the expedition in my power, having been somewhat delayed in consequence of various interruptions in the progress of taking the testimony.

It does not become me to say any thing in regard to the bearing of the testimony, but I can assure the Department that the character and standing of most of the affiants are highly respectable; and every individual, whose affidavit was drawn out by me, was rigidly examined, and the statements made by the affiants were taken down. The affidavits were then carefully read over; and every alteration or amendment which was suggested, was made, and then fair copies of the draughts were made and sworn to. Having been on the spot immediately after the transaction took place, and remained here a considerable time; and having made the efforts to get out the truth when the public mind here was quiet and composed, (which I think could not fail to produce what I had in view, and that was to get at nothing but the truth,) I am free to say that in my judgment it will be wholly out of the power of her Britannic Majesty's officers in Upper Canada to change or alter any of the material facts stated in the affidavits. I have taken the liberty of appending to the papers the copy of a letter from Andrew Drew, commander royal navy, to Honorable A. N. McNab, colonel commanding her Majesty's forces; being the report of the former officer of the capture and destruction of the steamboat Caroline, which I took from the Niagara Reporter of the

11th of January, 1838—a newspaper printed in Upper Canada, and is no doubt an authentic paper.

The British forces carried away two persons from the *Caroline*, Sylvanus Fearn's Wrigley, a British subject, and Luke Walker, a boy and an American citizen. Walker was sent over to the American side within two or three days after he was taken prisoner; and I saw him at Niagara falls on the 1st day of January last, and understand he is now in the city of Buffalo. Luke Walker did not complain, in my hearing, of harsh or ill usage while he was detained in Canada, and I have not learned that he has done so to any other person. Wrigley, after having been confined in the guard-house some time at Chippewa, has been, as I am informed, discharged by the British authorities, and permitted to go at large. I have not been able to obtain the names of any of the persons on board the *Caroline* who were killed, or are supposed to have lost their lives in that affair, or who are missing, except Amos Durfee, of Buffalo, and the little cabin boy, who is in the affidavits called Little Billy, whose real name was Johnson; both of whom it appears were shot, after they had left the steamboat, on the American shore, and within our territories.

W. L. McKenzie and R. Van Rensselaer, with their followers, took possession of Navy island on or about the fourteenth day of December last past; and from that period to the fourteenth day of January last—at which time Navy island was abandoned by the forces collected under the authority of what was called the Provisional Government of the State of Upper Canada—the wharf and dock on the American side of the Niagara river, and nearly opposite to Chippewa, was, I am informed, used as a landing-place; and many of the people who passed to and from Navy island during the period above mentioned, departed from and landed at this place. From this point, also, a very considerable part of the stores, provisions, arms, and munitions of war, were taken on to the island; until the marshal of the district, and Mr. Barker, the collector, under and pursuant to my advice, interposed, and prevented the embarkation of armed men and munitions of war at this place. The landing above mentioned is about half a mile up the river from the spot where Fort Schlosser once was, but there is hardly a vestige of the fort left; and there is nothing to indicate to the sight that there ever was a fort at the spot pointed out as the place where it was.

I have not, after the most diligent inquiries, been able to learn that arms of any description, belonging to the United States, were carried on to Navy island; and I am well assured that the six-pounder taken to the island on the twenty-ninth day of December last, was not the property of the United States.

I am constrained to say (and it is with deep regret and mortification) that, while the armed forces occupied Navy island, and previous to the *Caroline* going to Schlosser, small parties of the Navy-islanders were upon the west side of Grand island; that Mr. Van Rensselaer removed some of his sick on to the latter island at one time; and that it is probable discharges from small arms were made from Grand island at the inhabitants or armed forces on the Canadian side of the river, although nothing very serious happened in consequence of it.

These discharges of musketry were made by persons belonging or attached to Navy island; and this point is some miles distant from the landing place at Schlosser, where the *Caroline* was destroyed, and higher up

the river. A British subject, by the name of George Nolop, has, I understand, made an affidavit wherein he states, among other things, that he was taken and detained a prisoner at Schlosser, and that a cannon was taken from the fort, put on board the Caroline, and taken to Navy island. The affidavits of Henry Emmons and others refute and deny the statements of this man very positively and decidedly.

I have annexed to the papers herewith handed to you a newspaper copy of a letter from J. Elmsley, lieutenant of the royal navy, to Colonel McNab; and have done so because the outrage complained of in that letter is alleged to have been committed on the morning previous to the capture and destruction of the Caroline, and from a point on the main American shore near where that tragic event took place. I have made the most diligent inquiries into this alleged outrage, and have not been able to ascertain that the statements made in that letter, in regard to the firing from the American shore, are grounded in fact; but, on the contrary, I inform the Department that it is highly improbable that any such transaction took place. I have taken measures to procure the affidavits of four persons at Rochester, who were at Schlosser on the night of the 28th and morning of the 29th of December last, which I shall annex to the papers now prepared if received before they are sent off; and if not, I shall forward that affidavit as soon as it is received.

Allen McNab, of Upper Canada, was the officer in command of her Britannic Majesty's forces stationed at Chippewa, and ordered the expedition to cut out and destroy the Caroline, as it is well understood and believed on this frontier. Andrew Drew, commander royal navy, led the expedition, as appears by the official reports of this transaction, published in the Canadian papers. I have not been able to ascertain by proof, in the shape of an affidavit, the names and official standing of all the persons who were the perpetrators of the acts of atrocity in question; but I have official information from the State district attorney of the county of Niagara, that an indictment for murder had, at a late term of the county court of that county, been found against Allen McNab, John Mosier, Rowland McDonald, James Chalmers, Peter Rigby, Angus McLeod, Edgworth Usher, Edward Zealand, John B. Warren, William Warren, Thomas McCormick, and J. and F. Jarvis; and that he (the district attorney) had forwarded to the Department a copy of the testimony taken before the grand jury on that occasion.

After I had got through with taking the affidavits on the points indicated in your letter, it was intimated to me that the Caroline left Buffalo under a particular agreement between the owner and several citizens of this place, that in case of loss of the boat they would indemnify the owner.

I immediately instituted an inquiry into this matter, and find that about the time the Caroline left Buffalo, a paper in the following words was circulated and signed by sixteen or seventeen citizens of this place:

"We, the undersigned, agree to sign a bond of one thousand dollars for the safe return of the steamboat Caroline from her present expedition."

This paper was to be signed by twenty individuals, and the bond drawn and delivered to Mr. Wells; neither of which was done, and the boat left Buffalo, and proceeded on her trip to Schlosser, without the owner having any indemnity. I have not learned who the persons are who signed the paper, but am assured by Mr. Wills, the owner, that he never saw the paper previous to the destruction of the Caroline, and that he has never had

any consultation or conversation with the persons on Navy island in regard to running the boat or fitting her out.

This whole frontier is now quiet, and the marshal and myself now propose leaving this place in a short time to return home. At present we cannot do any thing more in the way of making arrests ; and as soon after my return home as I can do it, I propose to forward to the Department a detailed report upon the subject connected with the events which have recently transpired on this frontier. I cannot refrain from saying that the prudent and energetic course pursued by Major General Scott, after his arrival on this frontier, completely frustrated all the plans of the people assembled on Navy island, and prevented their second embarkation from our territory to invade Canada, and has restored this frontier to quiet and composure.

I am, with great respect, your obedient servant,

N. S. BENTON,
United States Attorney.

HON. JOHN FORSYTH,
Secretary of State.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Gilman Appleby, of the city of Buffalo, in the county and State aforesaid, being duly sworn, deposeth and saith : That he is an American citizen, and that on the morning of the twenty-ninth day of December last past he left the port of Buffalo, in the steamboat Caroline, owned by William Wells, of Buffalo aforesaid, and bound for Schlosser, upon the east side of the Niagara river, and within the United States of America. That he, this deponent, commanded the said steamboat Caroline, and that she was cleared from Buffalo with the intention of running between said Buffalo and Schlosser, to carry passengers and freight ; that this deponent caused the said Caroline to come to at the wharf at Black Rock dam, on her way down, and that, while there, this deponent caused the American flag, which was the flag called the American ensign, to be run up ; and that soon after leaving Black Rock harbor several muskets were discharged at the said Caroline from the Canadian shore, but without any injury. That the said Caroline continued her course down the Niagara river unmolested, and came to outside of certain scows or boats attached to Navy island, where a number of passengers disembarked, and, as this deponent supposes, certain articles of freight were landed. That from the place last aforesaid the said Caroline was run to Schlosser, and arrived there at about 3 o'clock in the afternoon. That between this time and dark the said steamboat made two trips from Schlosser to Navy island, coming to at the place above mentioned ; and that on the return of the said steamboat to Schlosser, on the last trip made that day, she was made fast at the dock at the latter place, at about 6 o'clock in the evening, with a chain cable. That the officers and crew of the said Caroline were ten in number ; and that in the course of the evening twenty-three individuals, all of whom this deponent then and now supposed were citizens of the United States, came on board of said boat, and requested this deponent and the other officers of the boat, to permit them to remain on board during the night, as they were unable to procure lodgings at the tavern near by. These requests were acceded to, and the persons thus coming on

board the said boat retired to rest, as did also the officers and crew of the said Caroline, except such as were stationed to watch during the night. That about midnight this deponent was informed by one of the men stationed to watch, that several boats filled with armed men were making towards the Caroline from the river, and this deponent immediately gave the alarm; and before he was able to reach the deck, the Caroline was boarded by some seventy or eighty men, all of whom were armed. That they immediately commenced an attack with pistols, swords, and cutlasses upon the unarmed crew and inmates of the Caroline, under a fierce cry of "God damn them, give no quarters, kill every man, fire! fire!" That the Caroline was abandoned without any resistance, and the only effort made by either the crew or inmates seemed to be to escape slaughter. That this deponent narrowly escaped, having received several wounds; none of which, however, were of a serious character. That immediately after the Caroline fell into the hands of the armed force which boarded her, she was set on fire and cast loose from the dock, and towed into the current of the river and then abandoned, and soon after she went over Niagara falls. That this deponent has made diligent search for the individuals, thirty-three in number, who were known to have been upon the Caroline at the time she was boarded, and twenty-two only have been found alive. That one of the men on board of said boat, Amos Durfee, of Buffalo, was found dead upon the dock; he having received a musket or pistol shot in the back part of his head, and it came out at the forehead. James H. King and Captain Charles F. Harding were seriously, though not mortally wounded, and several others received slight wounds. The ten individuals, besides the said Amos Durfee, who are still missing, this deponent has no doubt were either murdered upon the said boat, or found a watery grave in the cataract of the Niagara falls. And this deponent further says, that immediately after the said Caroline was towed into the current of the stream and abandoned, as before mentioned, beacon-lights were discovered upon the Canada shore near Chippewa, and, after sufficient time had elapsed to enable the boats to reach that shore, this deponent distinctly heard loud and vociferous cheering at that point. That this deponent has no doubt that the individuals who boarded the Caroline and committed the said outrage were a part of the British forces stationed at Chippewa, Upper Canada; and this deponent further saith, that since the capture and destruction of the said steamboat Caroline, he, this deponent, hath heard inquiries made for Michael O'Reily, a boy, and a Mr. Wetman, of the city of Rochester, as being missing, and another person (name not now recollected) from Williamsville. That deponent had a boy with him on board said boat, who was usually called Little Billy, and who had formerly been with deponent on the lake in Constitution steamboat, and that this boy was shot in the store-house door and fell into the river, and deponent has not been able to hear of him since that time. That he, this deponent, recognised one of the persons who made the attack on said boat at the time above stated, and is positive that he was Angus McLeod, of Upper Canada, a subject of her Britannic Majesty. And this deponent further saith, that when the said steamboat Caroline left Buffalo, she had not, to the knowledge and belief of this deponent, any arms or munitions of war on board of her, and that he, this deponent, did not see any arms or munitions of war of any kind taken on to Navy island in said steamboat Caroline, except one iron six-pound fieldpiece, well mounted; and he does not believe any

others were carried in her. And this deponent also saith, that the officers and crew and people on-board the said Caroline on the night of her capture and destruction were wholly unarmed, and had no weapons of any kind, offensive or defensive, and no defence of said Caroline was made or attempted when attacked by the persons who boarded her; and that before the people on board of said Caroline turned in to sleep, a count was made, and thirty-three persons were ascertained to be on the said boat; and deponent also saith that he believes that a few persons with arms went in said boat on the day aforesaid either to Grand or Navy island; but he does not know whether they intended to join the forces at Navy island, or were going on to Grand island, but he thinks now that the armed persons were American citizens destined to Grand island; and further this deponent saith not.

GILMAN APPLEBY.

Sworn this 2d day of February, 1838, before me,

F. P. STEVENS,

Judge of Erie county courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Williams Seaman, jr., and William Kennedy, of the city of Buffalo, in said State and county, being duly sworn, each for himself, deposeth and saith: That he is an American citizen; and these deponents, each for himself, saith that he hath heard the affidavit of Gilman Appleby, hereto annexed, read, and knows the contents thereof; and that both of said deponents were on board said steamboat Caroline at the time of her capture and destruction, as stated in said Appleby's affidavit; and that the statements made in said affidavit, of the capture and destruction of said Caroline by British forces, are true, to the knowledge of these deponents. And the said William Kennedy, for himself, saith, that he was one of the men on watch in said Caroline, and was at the time in the forward part of said boat, but did not hail said boats; but a man, standing near deponent, who did not belong to said Caroline, did hail said boats, saying "who comes there" twice; and the second time of hailing, the answer from some of the armed boats was "friends," in a low tone of voice. At this time deponent was standing on a box, and, as he jumped down, he partly fell, and, as he jumped down, a shot was fired from one of said armed boats. Deponent gave the alarm to the inmates of the Caroline, saying, "there are four or five boats—come on deck;" and deponent went aft to see who the men were, not expecting, at the moment, a hostile or murderous attack; but before this deponent had reached the after-gangway, the Caroline was boarded, and an attack was made on the persons on board said Caroline, by the discharge of pistols and the use of swords. That deponent finally succeeded, after considerable difficulty, in getting on shore from said Caroline at the forward gangway; and in passing towards the after-part of said Caroline, along the dock, deponent saw a man jump from the said Caroline, at the after-gangway, and near to where deponent stood; and, as this man jumped on the dock, deponent heard the report of a musket or pistol, and the man fell, face downward, and sprang up immediately, and, taking three or four steps, jumped into the river; and deponent heard the splash

made by the fall into the water, and saw the said man in the river. Deponent does not know the name of this man. The man appeared to be slim, dressed in dark-colored clothes; and after the Caroline was taken from the dock, or wharf, deponent took a lantern and went down to the dock to look for the man, but did not find him, or any other person, about the dock; and deponent, that night, conversed with all the persons he saw, who were in the Caroline, and that they all denied leaving him in the water at that place; and that the other man on watch with deponent, when the Caroline was boarded, was not killed; his name is Stewart, and deponent has seen him in Buffalo several times since, and within a few days; and deponent also saith, that the man who hailed said armed boats, who has usually been called "Dutch Peter," and is the only name he knows him by, was not killed or wounded. And further these deponents say not.

WILLIAMS SEAMAN, Jr.
WILLIAM KENNEDY.

Sworn, this 2d day of February, 1838, before me, by W. Seaman, jr.

F. P. STEVENS,

Judge Erie County Courts.

Sworn before me, this 3d day of February, 1838, by William Kennedy.

JAMES STRYKER,

First Judge of Erie county.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

John C. Haggerty, of the city of Buffalo, State and county aforesaid, being duly sworn, maketh oath and saith: That he is an American citizen, and was in the steamboat Caroline on the twenty-ninth day of December last past, having gone on board said boat at Black Rock dam, and was also on board said steamboat on the night of the said twenty-ninth of December last past; and he hath heard the affidavit of Gilman Appleby read, and knows the contents thereof, and that the said affidavit is true, to the knowledge of this deponent, wherein the same describes the capture and destruction of the said boat by the British forces from Upper Canada; and also in other respects, except that deponent did not see the said Appleby on board the said steamboat during the affray, and deponent did not see the boy called "Little Billy" shot. And deponent further saith, that he turned in to sleep that night in the upper cabin; and when the alarm was first given that boat-loads of armed men were coming towards the Caroline, deponent got up, and went out on deck, in the after part of the boat, and proceeded to the starboard side of the said boat, and then he saw five boats approaching—one of which he saw was filled with armed men, and the others, he has no doubt, were also filled with armed men; but they were so far off that he, this deponent, could not tell with certainty whether the said four boats had armed men in them or not. That the boat which was nearest, and armed, soon came alongside of the steamboat, at the after gangway, on the starboard side; and deponent stepped up to the railing on that side of the boat, and some men, who were in the Caroline, followed deponent. And while deponent was standing at the side of the boat, as aforesaid, three discharges of pistols were made from the approaching boat, and a man (whose name deponent cannot tell,

as he was a stranger to this deponent) was shot dead, and he fell on the deck, and deponent stepped over him to go to the gangway on larboard side of the boat; and not being able to get away from the boat at that place, he returned, and passed this same dead man in going to the forward part of the boat to get ashore.

And this deponent further saith, that he went into said steamboat to go down the river as a matter of curiosity, having no connexion with any of the hostile parties at Navy island, or on the main Canada shore, and paid his own expenses. That he saw the jolly-boat which belonged to the steamboat Constitution made fast to the dock at Schlosser; and after the attack was made, this boat was adrift from the wharf, about twenty feet astern of the steamboat, with two men in her, and she afterwards came back to the dock, and the men got out of her; and deponent, a little while afterwards, saw the said jolly-boat drift ashore on to the American side, between twenty and thirty rods below the dock at Schlosser; and while the said jolly-boat lay at the place above stated, deponent saw two of the British boats approach the said jolly-boat, and two men from the said boats got into her, and this was the last he saw of the said jolly-boat. And further this deponent saith not.

JOHN C. HAGGERTY.

Sworn, this 2d day of February, 1838, before me,

F. P. STEVENS,

Judge of Erie County Courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Charles F. Harding, of the city of Buffalo, and county and State aforesaid, being duly sworn, maketh oath and saith: That he is an American citizen, and has for the year past been employed in navigating the upper lakes as master of a brig, and is well acquainted with vessels, and in navigating the lakes and other waters, and their small boats. That he was on board the steamboat Caroline, at the time of her capture and destruction, on the night of the twenty-ninth day of December last past; and that a small boat, called a jolly-boat, which belonged to the steamboat Constitution, was at Schlosser in the afternoon of the day aforesaid; and at night when the said steamboat Caroline came to at the wharf at Schlosser, and said jolly-boat was made fast to the dock at Schlosser, or to said steamboat Caroline; and that said boat was not at the dock, or at Schlosser, the day after the Caroline was destroyed; and that the said jolly-boat, exclusive of the oars and rigging, was worth the sum of one hundred and twenty dollars, in the opinion of this deponent. And this deponent further saith, that he hath heard the affidavit of Gilman Appleby, hereto annexed, read, and knows the contents thereof; and was on board of the said steamboat Caroline, from the time she left the harbor of Buffalo creek, until she was captured and destroyed on the night of the twenty-ninth day of December last past; and that all the matters of fact stated by the said Gilman Appleby, in the said affidavit annexed, occurred as stated therein, to the knowledge of this deponent, and they are true, except that this deponent did not see the boy called "Little Billy" shot, as stated in said Appleby's affidavit. And deponent further saith, he saw said boy on board said boat

at the time above mentioned, and has not seen or heard of the said boy since the destruction of the Caroline. That he, this deponent, was attacked while on board the Caroline, by a man armed with a cutlass and pair of pistols, and deponent defended himself against him as well as he could, with a short billet of wood; and afterwards the same man returned, after retreating towards the stern of the boat, and struck deponent a blow on the head with a cutlass, which wounded deponent pretty severely. And deponent further saith, that he saw a man lying dead upon the deck, in the forward part of the boat, who this deponent supposes was shot or received his death-blow in the after-part of the said steamboat, as she was boarded from the boats on the quarter and after-gangway. That there was a person on board of the Caroline, on the night aforesaid, who this deponent is informed was taken and carried into Canada, and detained for a while in the guard-house at Chippewa, and who this deponent thinks was a spy, and was sent over to come on board the Caroline, and pretending to seek a night's lodging in the boat; and further saith not.

C. F. HARDING.

Sworn this 1st day of February, 1838, before me,

F. P. STEVENS,

Judge of Erie County Courts.

UNITED STATES OF AMERICA, } ss.
State of New York, Erie county,

James H. King, of the city of Buffalo, and State and county aforesaid, being duly sworn, depose and saith: He is an American citizen, and was on board the steamboat Caroline on the 29th day of December last past, and at the time of her destruction, as mate, or second in command, under Captain Gilman Appleby. That deponent was employed by William Wells, the owner of said boat, who expressed his intention at the time of running the boat between Black Rock dam and Schlosser, to carry freight and passengers, and said he thought the business would be such as would enable him to pay deponent forty dollars per month; that he, this deponent, follows the business of navigation, in the season of it, on the lakes and rivers. That he, this deponent, further saith, he has heard the affidavit of Gilman Appleby read, and concurs in the statement of facts therein made, so far as regards what took place on board of the Caroline during the day of the 29th day of December aforesaid, and the capture and destruction of the said boat on the night of said day; but deponent did not see the said Appleby during the affray, and does not know what took place in the part of said boat where said Appleby was, and did not see the boy called "Little Billy" shot; that deponent that night went to bed in the deck cabin, where there were five persons besides this deponent; and at the time the attack was made by the British armed forces, the five persons who were in said cabin, deponent believes, escaped to the shore unharmed; that when the first alarm was given, deponent supposes he did not fully awake out of his sleep; and when deponent finally awoke, he pulled on his boots, and put on his hat and started for the shore; and when deponent got out of the cabin on to the deck, he was met by six or eight men, armed with pistols and swords, who shoved deponent into the cabin, against the back part of it, where

they compelled this deponent to lie down in the cabin, and, after striking deponent several blows with swords or cutlasses, and wounding deponent very severely, they asked deponent, (calling him a damned Yankee curse,) who and how many persons were aboard of the boat, and what they were about there, and deponent could not get any opportunity of giving an answer to the questions which were asked; that while this deponent lay wounded and bleeding in said cabin, on the mattresses spread out there, one of these armed men called out to deponent, saying, Roll over, you damned Yankee son of a bitch; roll over and give us these mattresses, they will do for me to sleep on; and that five or six of the mattresses were handed out of the cabin window, which had been broken in, and all the bedding in that cabin was also taken out; that a short time before the boat left the wharf or dock, and after, as deponent supposes, most, if not all, the surviving American citizens had left the boat, a man came into the cabin where deponent was, who, deponent believes, was one of the officers, and another of the boarders said, Is it best to take this fellow a prisoner? others said, No, let us kill him; but the officer said, We don't want any prisoners, we had better let him go on shore. Deponent then got up and followed the officer out of the cabin door, and then he stopped, when deponent spoke to him; said he, deponent, could not get off, unless he passed deponent off the boat; and this officer sent a man to pass deponent off the boat; and as deponent left the boat, some one said, There is a good mark to fire at; and immediately a pistol was discharged, but deponent was not hit; that the officer above mentioned kept his back towards deponent, and he could not recognise said officer. After leaving the boat, deponent attempted to make his way up to the tavern, about twenty rods from the dock, but he was so faint and weak from loss of blood, that he could not get there without being assisted. That deponent received a severe sabre cut across the left shoulder-blade and joint, about four inches long, cut into the bone; another severe sabre cut in the fleshy part of the left arm, below the elbow; and deponent received a blow on the head, which did not, however, do any harm, other than cut through the hat; deponent was also kicked and stamped upon by the men who came into said boat and captured her; that the boat was set on fire in the cabin, where deponent was, before he was permitted to leave the boat; that the people who boarded and destroyed said boat came from the Canada shore, and returned there, as deponent believes, in boats; and deponent also saith, that he has been unable to do any business since he was wounded, in consequence of those wounds, and does not expect to be able to do any business for some time to come in consequence thereof, and he is apprehensive his left arm may be always lame, and not so strong as usual; that he has been put to a very considerable expense in being cured of the wounds he received in said steamboat at the time aforesaid; that deponent has now been disabled by his wounds upwards of four weeks, and that the expenses attending deponent's sickness and lameness, including the doctor's bill, will amount to the sum of one hundred and eighteen dollars up to this time, exclusive of deponent's loss of time; and that deponent, when employed in his profession, has usually received the sum of thirty-five dollars per month; that he, this deponent, recollects seeing the little cabin-boy spoken of by Gilman Appleby in his affidavit, on board of the steamboat Caroline when the said boat went down the river, on the said 29th day of December last past, and has not heard

of or seen him since ; and this deponent also saith, that he has no knowledge or information that the said steamboat Caroline was under the pay of the people on Navy island, or any person connected with them ; and he does not believe that any person had any control of the boat except the owner, William Wells—except in the sailing and managing the boat, she would be under the command of the captain or officer who might be put in charge for that purpose ; and further this deponent saith not.

JAMES H. KING.

Sworn and subscribed this 1st day of February, A. D. 1838, before me,

F. P. STEVENS,

Judge of Erie County Courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

William Wells, of the city of Buffalo, in the said county and State, being duly sworn, deposeth and saith : That he is an American citizen ; and that, on the twenty-ninth day of December last past, he was the true and only legal owner of the steamboat Caroline ; and at the time of the destruction of the said Caroline, he was such owner, and for some time previously had been, although there had been an understanding between deponent and one Hamlet Scranton that when he, the said Scranton, should pay to this deponent the one-half of the purchase-money and amount expended, he was to be equally interested with deponent in said boat ; and that when deponent fitted up said boat, he intended to run her from Black Rock dam to Schlosser once a day, and also intended to run her to Navy island, and touch at Grand island and Tonawanda, should he find it necessary and profitable to do so ; that this project was set on foot with a view of making money, as he supposed he had a legal right to do, running the risk of seizure by the British authorities in Upper Canada, and not evading or transgressing the laws of the United States. And this deponent further saith, without any reservation whatever, that no person on Navy island, or elsewhere, connected with the persons or people on that island, or any other person whatever, had any control over the said steamboat ; and that he, this deponent, was not, in any manner whatever, under any control or obligation to use or run on any particular business, or to do any particular service ; that when said boat left the port of Buffalo, she proceeded to Schlosser, touching at Black Rock, Tonawanda, and Navy island, at which latter place several passengers and some freight were landed ; and this deponent now believes but one of the passengers had any arms, and he had a rifle, which rifle was used on the passage down in shooting ducks ; that said steamboat made two trips from Schlosser to Navy island on the said twenty-ninth day of December last past, conveying passengers and freight ; many of the passengers were citizens of Buffalo, with whom this deponent was well acquainted ; and that at no time were any arms and munitions of war carried to Navy island in said steamboat, except one mounted field-piece, which deponent supposed belonged to a person who was a passenger in the said steamboat from Schlosser to the island ; that when said steamboat returned to Schlosser, about six o'clock in the evening, deponent intended to have had the boat come up to Black Rock dam ; but, in consequence of some derangement in the machinery connected with the engine, Captain Appleby directed the

steam to be blown off, in order to repair the machinery ; that the officers and crew of the said boat were unarmed, and there were no arms in the boat at the time she lay for the night at Schlosser ; that he hath heard the affidavit of Gilman Appleby, giving a description of the capture and destruction of the said steamboat, read ; and the facts therein stated are true, of this deponent's knowledge, except that this deponent has not any knowledge of the shooting of the boy called " Little Billy ;" and he has not any particular knowledge of any of the personal acts of the said Appleby, as deponent was unable to get on deck until most of the persons in the boat who landed, on making their escape, had effected it. And this deponent further saith, that when he got on shore from the said steamboat, he passed a man lying on the dock, ten or twelve feet from the said boat, and about seven feet from the lower end of the dock, apparently dead, as he did not move or stir ; and Amos Durfee was found dead at a different place, and in a different position. And deponent further saith, that he cannot give any information as to the persons who were killed and missing from the said boat, on the night above mentioned, except as above stated, as all the persons who came on board the said boat at Schlosser to sleep, were strangers to the deponent, and collected from different parts of the county, and he has heard but few inquiries made after individuals ; that James H. King was very badly wounded in the attack made in said boat by the British forces ; Captain Charles F. Harding received a bad cut over his left eye ; a colored man, whose name deponent does not know, was stabbed in the hip, a pretty bad wound ; Sylvanus Staring received a blow on the head, not a bad wound. And this deponent further saith, that he was informed and believes that Allen N. McNab, who is reputed to have been the commandant of the British forces at Chippewa, ordered the expedition to capture the Caroline ; but has no knowledge of the names of the individuals who composed the expedition or conducted it. That deponent considers the said boat, with her engine and boiler, was fully worth the sum of four thousand and five hundred dollars ; and the furniture and clothing in the boat, which was destroyed, belonging to deponent, was worth the sum of one hundred dollars ; that deponent has no doubt Captain Gilman Appleby furnished the boat with sea-stores and provisions ; and he saw portions of all the articles mentioned in the bill hereto annexed, made out by Otis Allen, on board of said steamboat, on the twenty-ninth day of December last past ; and of the articles mentioned in the furniture and bedding taken from the steamboat Constitution, this deponent saw most of them on board of the steamboat Caroline on the day aforesaid, and has no doubt the provisions, furniture, and bedding were in the said Caroline when she was captured, as none of them were, to this deponent's knowledge, removed from said last-mentioned boat. And this deponent further saith, that the aid and assistance he received from Captain Gilman Appleby and Harrison Chase in fitting out said steamboat, and getting her in order and furnished to run, was entirely from personal friendship of those gentlemen towards this deponent, as he, this deponent, believes. And this deponent further saith, that he recollects seeing a small boy on board said steamboat, and has no doubt he is the same person spoken of by Captain Gilman Appleby in his affidavit ; and he saw him assisting the cook in said Caroline. And this deponent further saith, that he was in the lower cabin of said boat when she was boarded, and attempted to get out through the engine-room,

and was prevented by the armed men, who had possession of the passage leading out of the lower part of the boat on to the deck at that place ; that deponent then went forward, alongside of the boiler, until he could see out of the forward hatchway ; and one of the armed men jumped down into the fire-room, in front of deponent, and some one cried out "fire up," when this man immediately commenced hauling the fire into the forward part of the furnace ; deponent then went back, and attempted to get out of the lower part of the boat, through the engine-room, but was prevented as before ; and deponent then went forward again, and, being in the dark, the armed man before mentioned reached out and took hold of Amos Durfee, and said, "Who in hell are you?" and Durfee replied, he belonged to the boat, and followed the man on deck, making no resistance whatever ; and after Durfee and the said armed man had got on deck, he, deponent, heard a scuffling, but did not see said Durfee again until the next morning, lying dead upon the dock, about twenty feet from the edge of the dock or wharf next to the river, where said steamboat lay ; and that this deponent finally effected his escape from said Caroline with great difficulty and risk ; and deponent believes that, when he left the boat, there were several persons who were American citizens in the lower part of the boat, who appeared to be endeavoring to secrete themselves from the party assailing the people on board said boat. And further deponent saith not.

WILLIAM WELLS.

Sworn and subscribed, this 1st day of February, A. D. 1838, before me.
F. P. STEVENS,
Judge of Erie County Courts.

STATE OF NEW YORK, *County of Erie, ss.*

Samuel Chase and John Hebard, of the city of Buffalo, in the said county of Erie, and John Vail, of Hanover, in the county of Chautauque, being duly sworn, depose and say, and each for himself, says, that he has known the steamboat Caroline for at least four years next previous to her capture and destruction by British troops at or near Schlosser, on the thirtieth day of December last past ; and these deponents, each for himself, say that they were well acquainted with the construction of the said steamboat, and with her machinery, and that she was worth, at the time of her capture and destruction as aforesaid, exclusive of her furniture, the sum of four thousand and five hundred dollars. These deponents further say, that they have understood and verily believe that the said steamboat, at the time of her capture and destruction as aforesaid, was owned by William Wells, of the city of Buffalo, in the county of Erie aforesaid ; and that a part of the furniture and other property then in the said steamboat was also owned by the said William Wells, to wit: one table, worth in the opinion of these deponents the sum of six dollars ; one stove, worth thirty-five dollars ; oil and jugs, worth ten dollars ; one carpet worth five dollars ; an awning worth ten dollars ; bar furniture worth five dollars ; one overcoat worth twenty-five dollars ; an oil-can, four lamps, four

rooms, and wash-bowl, worth in the aggregate at least the sum of four dollars. And further these deponents say not.

SAMUEL CHASE,
JOHN HEBARD,
JOHN VAIL.

Subscribed and sworn January 16, 1838, before me,

ISAAC HUMPHREY,
Judge of Erie County Courts.

UNITED STATES OF AMERICA, }
State of New York, Erie County, } ss.

Edward Norton, of the city of Buffalo, in said State and county, and a counsellor at law, being duly sworn, maketh oath and saith: That he is an American citizen, and well acquainted with Mr. William Wells, also of the said city and State; and, as deponent is informed and believes, was the reputed owner of the steamboat Caroline at the time of her capture and destruction; that he, this deponent, saw the said Wells, on a passage from Navy island to Schlosser, in the said steamboat, the afternoon of the twenty-ninth day of December last past, and had a conversation with the said Wells in reference to the employment of the said boat and the compensation he was to receive; and the said Wells said he expected to charge freight for the services of the boat, while used in passing to and from Navy island; and remarked further, that he would lay up the steamboat that night at the Black Rock dam; and deponent further saith that he saw a flag hoisted on said steamboat, which was a United States flag, and that he did not see any other flag on board said steamboat. And further this deponent saith not.

EDWARD NORTON.

Sworn before me this 1st day of February, A. D. 1838.

F. P. STEVENS,
Judge of Erie County Courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Thomas R. Stocking, of the city of Buffalo, in said State and county, merchant, being duly sworn, maketh oath and saith: That he is an American citizen, and is well acquainted with William Wells, of the city of Buffalo, and the reputed owner of the steamboat Caroline; and that he (this deponent) had a communication with said Wells, about using the steamboat Caroline in running from Black Rock dam to Schlosser; and that said Wells then said his object was to make money in running the boat from the dam to Schlosser in opposition to the railroad; that he (the said Wells) intended to do a legal business; that he did not care any thing about either party, meaning the Navy-islanders and loyalists; and that this conversation took place from two to four days previous to the boat leaving the port of Buffalo; and this deponent further saith that, after the boat was destroyed, he heard the said Wells remark, that if he had been let alone, and his boat not de-

stroyed, he should have had all the people off Navy island in three days. And further saith not.

T. R. STOCKING.

Sworn and subscribed before me, this 1st day of February, A. D. 1838.

F. P. STEVENS,

Judge of Erie county courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Aaron L. Porter, of the city of Buffalo, and county and State aforesaid, and Asahel Barber, of the town of Buffalo, also in the county and State aforesaid, being duly sworn, each for themselves depose and say : That they severally took passage in the steamboat Caroline, from Schlosser, the last trip she made to Navy island, on the afternoon of the 29th day of December last past, with the intention of going on to Grand island ; and they did go on to Grand island that same afternoon or evening ; and that they, both of these deponents, remained on Grand island during the night of the said twenty-ninth day of December last past ; and that they, each of them, are American citizens ; and that the said Barber had a sword with him, and the said Porter had no arms whatever ; and that the reason why these deponents went on to Grand island, was, that a report had been in circulation that the Canadian Indians had come on to Grand island, and deponents were sent over by Messrs. Dorsheimer and Green, United States deputy marshals, to hear the truth of the said report ; and that they, these deponents, did not observe any of the passengers on said boat had any small-arms with them, except the said Barber, on the passage and trip aforesaid. And further these deponents say not.

ASAHIEL BARBER,
 AARON L. PORTER.

Sworn, this 31st day of January, 1838, before me,

F. P. STEVENS,

Judge of Erie county courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

William F. P. Taylor, of the city of Buffalo, State and county aforesaid, and Elisha Lee, of the same place, being duly sworn, each for himself saith ; and the said William F. P. Taylor saith: That he is an American citizen, and has been engaged in the forwarding business on lake Erie and the upper lakes for fifteen years past, and is well acquainted with steamboats on the said lakes, their mode of construction, and capacity for doing business, and has known the steamboat Caroline several years, and has understood that she was originally built of live oak, and that the said Caroline was rebuilt new from light-water mark some time last season ; and that, exclusive of her engine, boilers, and outfit, and including her

hull, joiner-work, and painting, the said steamboat Caroline, was worth sixty dollars per ton on the twenty-ninth day of December last past; and if the engine and boiler of the said Caroline were in a good running condition, this deponent would estimate the said boat at one hundred dollars per ton, and thinks she was worth that sum exclusive of her furniture.

And the said Elisha Lee for himself saith: That he is an American citizen, and a steamboat engineer, and a boiler-maker, and was well acquainted with the engine and boiler on board the steamboat Caroline; that the engine on board of the said Caroline on the twenty-ninth day of December last past, was a good one, and would work fifteen-horse power and upwards. The boiler was old, but in good repair on the day aforesaid, and would last, with careful usage, from two to three years; and that the said steam-engine and boiler were justly worth, on the said twenty-ninth day of December last past, the sum of eighteen hundred dollars. And further these deponents say not.

ELISHA LEE,
W. F. PORTER TAYLOR.

Sworn and subscribed this 2d day of February, 1838, before me,
F. P. STEVENS,
Judge of Erie county court.

Sworn and subscribed by the above-named William F. P. Taylor, this 3d day of February, 1838, before me,

F. P. STEVENS,
Judge of Erie county courts.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Pierre A. Barker, of the city of Buffalo, in the State and county aforesaid, being duly sworn, maketh oath and saith: That he was, on the first day of December last past, and still is, the collector of the customs and inspector of the revenue for the district of Buffalo creek, in the State of New York; and that he knew the steamboat Caroline before her capture and destruction; and that the annexed papers, being a license and enrolment of the said boat, were made out the day they bear date, but the same were not actually taken from the custom-house by Mr. William Wells, of the city of Buffalo, to whom they belong, until about the twenty-ninth day of December last past, as this deponent believes; and that he has no knowledge of any transfer of said boat having been made at any time by said William Wells to any person whomsoever, from the date of said papers to the time of her reported destruction at Schlosser, on the night of the twenty-ninth day of December last past; and that James W. Brown, whose signature is written to the annexed papers above mentioned, was, at the time they bear date, a deputy of this deponent in the office of collector aforesaid. And further this deponent saith not.

PIERRE A. BARKER.

Sworn and subscribed before me, this 1st day of February, 1838.

F. P. STEVENS,
Judge of Erie county courts.

Enrolment. No. 49. (Forty-nine.)

In conformity to an act of the Congress of the United States of America entitled "An act for enrolling and licensing ships and vessels," &c. passed the 18th of February, 1793, and "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," passed the 2d March, 1831, William Wells, of Buffalo, New York, having taken or subscribed the oath required by said acts, and having sworn he is a citizen of the United States, sole owner of the steamboat or vessel called the *Caroline*, of Buffalo, whereof he is at present master, and, as he hath sworn, is a citizen of the United States; and that the said ship or vessel was built at Ogdensburg, New York, in the year 1824, as appears by her enrolment, dated at the port of Buffalo (N. Y.) June 27th, 1837, and numbered thirty-four, (34.) And the said enrolment having certified that the said steamboat or vessel has one deck, and no masts, and that her length is seventy-one feet, (71,) her breadth twenty feet and six inches, (20.6,) her depth five feet and six inches, (5.6,) and that she measures forty-five tons ninety-ninety-fifths; that she is a steamboat, has no galleries, and a figure-head. And the said William Wells having agreed to the description and admeasurement above specified, and sufficient security having been given, in conformity with the terms of the said acts, the said steamboat has been duly enrolled at the port of Buffalo creek.

Given under my hand and seal of office, at the port of Buffalo creek, in the said district, this first day of December, in the year one
[L. s.] thousand eight hundred and thirty-seven.

JAS. W. BROWN, *Deputy Collector.*

License. No. 58. (Fifty-eight.)

DISTRICT OF BUFFALO CREEK, *Port of Buffalo Creek.*

In pursuance of an act of Congress of the United States of America entitled "An act for enrolling and licensing ships or vessels," &c. passed the 18th of February, 1793, and "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," passed the 2d March, 1831, William Wells having given bond that the steamboat called the *Caroline*, whereof the said William Wells is master, burden forty-five and ninety-ninety-fifths tons, as appears by her enrolment, dated at the port of Buffalo (N. Y.) December 1st, 1837, and numbered forty-nine, (49,) shall not be employed in any trade while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn that this license shall not be used for any other vessel, license is hereby granted for the said steamboat *Caroline*, of Buffalo, to be employed in conformity with the terms of said acts for one year from the date hereof, and no longer.

Given under my hand and seal of office, at the port of Buffalo creek, in the said district, this first day of December, in the year one
[L. s.] thousand eight hundred and thirty-seven.

JAS. W. BROWN, *Deputy Collector.*

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

William T. Bush, of the town of Tonawanda, in the county and State aforesaid, being duly sworn, maketh oath and saith: That he is an American citizen, and that, on the third day of January last past, he, this deponent, was riding on horseback on the western side of Grand island, and within the territory and jurisdiction of the United States; he, this deponent, was fired at by a large party of armed men, on the Canada main shore of the Niagara river, but was not hit; and deponent, supposing it would be prudent for him to get entirely out of the reach of any shot from that shore, turned his horse to go back from the shore, when the men on the Canada side set up a loud shout. That deponent was wholly unarmed, and the place where deponent was fired at was about four miles above Navy island, and a little more than that distance from the lower part of Grand island. And further this deponent saith not.

W. T. BUSH.

Sworn and subscribed, this 3d day of February, 1838, before me,

F. P. STEVENS,

Judge of Erie County Courts.

STATE OF NEW YORK, *County of Niagara,* ss.

Henry Emmons, of the town of Niagara, in said county, being duly sworn, says: That he is bar-tender at the public house kept by James Field, at Schlosser, in said county, and has been such bar-tender for one month preceding the day of taking this affidavit; that there never has been an individual detained by a military guard at Schlosser during any part of that time. And this deponent further says, that, from his employment at Schlosser, it would be impossible for any person to be detained there without the knowledge of this deponent; that, particularly, no such person as George Nolop ever was known to be at Schlosser in any manner. And this deponent further says, that he has read a copy of George Nolop's affidavit, taken at the district of Niagara, in Upper Canada, on the thirtieth day of December last, and that no part of the same is true, to the knowledge or belief of deponent. And this deponent further says, that there is no fort at Schlosser, or nearer that place than Fort Niagara, a distance of sixteen miles from Schlosser; that there never was a cask filled with six-pound shot, or two casks of grape and canister, in the house or near the premises where this deponent resides. And this deponent further says, that no person fired a gun at the persons engaged in taking the boat Caroline, and massacring the persons on board of her; and that there were no armed men near the boat at the time she lay at the wharf. That, so far as he saw or believes, no guns or arms were carried on board said Caroline by the persons going on board to sleep the night she was taken.

HENRY EMMONS.

Sworn and subscribed, this 1st day of January, 1838, before me,

JAMES M. SMITH, Jr.

Commissioner of Deeds.

STATE OF NEW YORK, *County of Niagara, ss.*

Benjamin Holt, Milton Keyes, Alanson Liscom, William Chappell, and E. Burton Reynolds, all of Schlosser, in said county, being duly sworn, say: That they have heard the foregoing affidavit of Henry Emmons read, and that the same is true, in all respects, from their knowledge and belief; and that each and all of these deponents were at Schlosser at the time the steamboat Caroline was taken and burnt.

BENJAMIN HOLT,
E. BURTON REYNOLDS,
ALANSON LISCOM,
MILTON KEYES,
WILLIAM CHAPPELL.

Sworn and subscribed, this 1st day of January, 1838, before me,
JAMES M. SMITH,

Commissioner of Deeds.

STATE OF NEW YORK, *Erie county, ss.*

Gilman Appleby, Williams Seaman, jr., John C. Haggerty, Charles F. Harding, William Kennedy, and William Wells, being duly sworn, each for himself says: That, since making affidavits on the 30th instant, in the county of Niagara, in relation to the outrage upon the steamboat Caroline at Fort Schlosser, they have heard certain papers read purporting to be copies of affidavits made at Chippewa, Upper Canada, on the 30th instant, by Luke Walker and Sylvanus Fearn's Wrigley, before William H. Merritt, Esq.; and they further say, that there were no armed men on board of said steamboat Caroline on the night of the 29th instant, except the British force which attacked the said steamboat. And the said Gilman Appleby says that he did not say, and the other deponents say that they did not hear any person say, that night, "Sleep well to-night, for we shall have hard work to-morrow; there are many gentlemen from Rochester, and we shall have to take them over;" or any such expression. These deponents also say, each for himself, that the only flag on said steamboat Caroline was the American flag; that they heard no firing from the steamboat at any time before or during the fight, for they had no fire-arms on board with which they could fire, except as stated below in this affidavit. These deponents further say, and each for himself says, that it was not understood on board of said steamboat that she was the property of the patriots on Navy island; but it was well understood on board that she was the property of William Wells, of the city of Buffalo. The said John C. Haggerty says that he had in his pocket a pistol, with about a four-inch barrel to it; but it was not loaded, and was not out of deponent's pocket during the night, and he had nothing with which he could have loaded it. And these deponents, severally, say that they are citizens of the United States. And further say not.

GILMAN APPLEBY,
WILLIAMS SEAMAN, Jr.
JOHN C. HAGGERTY,
C. F. HARDING,
WILLIAM KENNEDY,
WILLIAM WELLS.

Sworn before me, December 31, 1837.

D. TILLINGHAST, *Sup. Court Clerk.*

STATE OF NEW YORK, *Erie county, ss.*

James H. King, of the city of Buffalo, being duly sworn, says : That he made an affidavit in Niagara county, on the 30th December last, in relation to the outrage on the steamboat Caroline on the night of the 29th of December last, at Schlosser ; that he has heard the foregoing affidavit made by Gilman Appleby, Williams Seaman, jr., John C. Haggerty, Charles F. Harding, William Kennedy, and William Wells, and the copies of affidavits of Luke Walker and Sylvanus Fearn's Wrigley, mentioned therein, read ; that the facts stated in said affidavits of Gilman Appleby and others are true ; that deponent is a citizen of the United States.

JAMES H. KING.

Sworn before me, January 8, 1838.

D. TILLINGHAST, *Sup. Court Clerk.*

STATE OF NEW YORK, *county of Niagara, ss.*

Parkhurst Whitney, of the town and county of Niagara, being duly sworn, doth depose and say : That, on the 4th day of January, in the year eighteen hundred and thirty-eight, at Chippewa, in the Province of Upper Canada, he had an interview with Sir Francis Bond Head, Lieutenant Governor of said Province ; that, in the course of conversation with the said Sir Francis Bond Head, the capture and destruction of the steamboat Caroline, and the killing of some of her inmates, was spoken of and conversed about freely both by this deponent and the said Sir Francis Bond Head ; that, in such conversation, it was understood and admitted by the said Sir Francis Bond Head, that the said Caroline was captured and taken at Schlosser and within the United States ; that the said Sir Francis Bond Head expressly and distinctly stated to this deponent that he fully justified and approved of the capture and destruction of the said Caroline, and of the circumstances under which it was effected ; that the said Caroline was a piratical vessel, and that it was alike the duty of his Government and that of the United States and all others to seize her wherever found ; that this conversation took place at the headquarters of Colonel McNab, commanding her Britannic Majesty's forces at Chippewa aforesaid. And further this deponent saith not.

PARKHURST WHITNEY.

Subscribed and sworn, January 14, 1838, before me,

W. HUNT,

First Judge of Niagara county.

STATE OF NEW YORK, *Erie county, ss.*

Alford Luce, being duly sworn, deposes and says : That his late residence has been in the town of Dumfries, Gore district, Upper Canada ; that he, in company with Sylvanus Fearn's Wrigley, was on board the steamboat Caroline, at Schlosser, on the evening of the 29th December last ; that he had retired to sleep in the upper-deck cabin, at an early hour ; about midnight he was awakened by one of the watch on board, and was requested to give up his berth to him ; he accordingly did so, and went down into the

lower cabin. In a short time, Mr. Kennedy, another of the steamboat watch, made an outcry to Captain Appleby, that boats, full of men, calling themselves friends, were coming up to the Caroline; this deponent immediately ran upon deck and discovered the boats coming under the stern of the Caroline, alongside of the wharf, and the men commenced jumping on the wharf. At this instant deponent passed off the forward part of the steamboat upon the open floor of the warehouse, and, while going to the main dock, two muskets were fired from the boats, and McDurfie, who was about six feet from deponent, a little in the rear, fell; deponent escaped to the road; heard firing and clashing of arms. This deponent further says that there were no arms nor armed men on board the Caroline, nor were there any upon the wharf nor upon the shore. Deponent has read the affidavit attributed to the above-named Sylvanus Fearn's Wrigley, and from his knowledge of him, being an intimate acquaintance and relative, is positive that, if he made said affidavit, the material part must have been from compulsion and terror.

ALFORD LUCE.

Sworn before me, this 12th day of January, A. D. 1838.

MILTON McNEAL,

Commissioner of Deeds for Erie county.

Inventory of goods burnt and destroyed on board of the steamboat Caroline.

To 8 hair mattresses,	-	-	-	\$10 50	\$84 00
3 straw "	-	-	-	4 00	12 00
2 dozen blankets,	-	-	-	2 00	48 00
1 dozen towels, 3s.,	-	-	-		3 50
8 hair pillows,	-	-	-	2 00	16 00
12 dining plates (china,)	-	-	-		4 50
6 small dining plates (china) 1s. 6d.,	-	-	-		1 13
2 large meat platters,	-	-	-	3 00	6 00
1 dozen knives and forks, ivory handles,	-	-	-	6 00	6 00
1 carver and fork, ivory handles,	-	-	-	3 00	3 00
1 large coffee-pot, 8s.,	-	-	-		1 00
3 globe lanterns, 18s.,	-	-	-		6 75
1 dozen teas, (china) -	-	-	-	4 50	4 50
2 large pitchers, 10s., -	-	-	-		2 50
1 boat, oars, rigging, &c.,	-	-	-		182 00
					<hr/> \$380 88
Deduct last item,	-	-	-		182 00
					<hr/> \$198 88

BUFFALO, January 19, 1838.

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

Harrison Chase, of the city of Buffalo, in the State and county aforesaid, being duly sworn, deposeth and saith: That he is an American citizen, and was last summer and fall, during the season of navigation, employed on board of the steamboat Constitution, which navigated lake Erie, as a steward; that, on the twenty-eighth day of December last past, he, this deponent, by the directions of Captain Gilman Appleby, who had charge of the said steamboat Constitution, took all the above-mentioned articles of property, except the small boat, oars, and rigging, from the said steamboat Constitution, and put the same on board of the steamboat Caroline, both of said boats then lying in the harbor of Buffalo creek; and that all the said articles of property were justly and fairly worth the several sums carried out and set opposite thereto; and amounting, exclusive of the said small boat, to the sum of one hundred and ninety-eight dollars and eighty-eight cents, which this deponent believes to be the just and fair value of the same; and this deponent further saith, that, by the directions of the said Captain Gilman Appleby, he, this deponent, ordered a quantity of provisions and ship stores to be sent on board the steamboat Caroline, from the grocery store of Otis Allen; and that he, this deponent, saw the principal part of the goods mentioned in the bill of Otis Allen, which is hereto annexed, delivered on board of the said steamboat Caroline, on the twenty-eighth day of December last past. And further saith not.

H. CHASE.

Sworn and subscribed before me, this 6th day of February, 1838.

FREDERICK P. STEVENS,

Judge of Erie County Courts.

STEAMBOAT CAROLINE, December 28, 1837.

<i>Captain Appleby to Otis Allen</i>						<i>Dr.</i>
50 lbs. brown sugar, at 1s.	-	-	-	-	-	\$6 25
20 lbs. ground coffee, at 2s.	-	-	-	-	-	5 00
10 lbs. young hyson tea, at 6s.	-	-	-	-	-	7 50
14 lbs. loaf sugar, at 1s. 6d.	-	-	-	-	-	2 63
1 lb. pepper, at 2s.	-	-	-	-	-	25
2 boxes salt, at 1s. 3d.	-	-	-	-	-	31
150 lbs. pork, at 1s.	-	-	-	-	-	18 00
150 lbs. corn beef, at 6d.	-	-	-	-	-	9 00
30 lbs. butter, at 1s. 8d.	-	-	-	-	-	6 00
2 pails, at 6s.	-	-	-	-	-	1 50
10 lbs. tallow candles, at 1s. 8d.	-	-	-	-	-	2 00
6 lbs. sperm candles, at 3s. 6d.	-	-	-	-	-	2 63
8 bushel potatoes, at 3s., box 4s.	-	-	-	-	-	3 50
5 gallons oil, at 12s.	-	-	-	-	-	7 50
1 demijohn, at 12s.	-	-	-	-	-	1 50
30½ lbs. cheese, at 1s.	-	-	-	-	-	3 81
½ barrel crackers, -	-	-	-	-	-	3 25
25 mackerel, at 8d.	-	-	-	-	-	2 00
30 lbs. cod, fresh, at 6d.	-	-	-	-	-	1 88

Received payment of the above,

\$84 51

OTIS ALLEN,

January 14, 1838.

By G. J. Stow.

UNITED STATES OF AMERICA, *State of New York, Erie county, ss.*

George J. Stow, of the city of Buffalo, county and State aforesaid, being duly sworn, maketh oath and saith: That he is an American citizen, and was, in the month of December last past, and now is, a clerk in the store of Otis Allen, of Buffalo; that he (this deponent) made out the bill which is hereunto annexed of sea-stores sold and delivered to Captain Gilman Appleby; and that deponent delivered about half the goods mentioned in the said bill, by the direction of Harrison Chase, on said Appleby's account, and that one William Tingley delivered the remainder, who was also a clerk in said Allen's store at the time; and that said goods are charged in said bill at the usual and ordinary price of selling goods at the said store to other people. And further this deponent saith not.

G. J. STOW.

Sworn, this 2d day of February, 1838, before me,

F. P. STEVENS,
Judge of Erie county courts.

John C. Haggerty, of Buffalo, had destroyed in the steamboat Caroline, December 29, 1837—

One roundabout sailor coat destroyed on board the steamboat Caroline, at Schlosser, worth	-	-	-	-	\$10 00
One pair of Wellington calf-skin boots, at same time on board the Caroline, worth	-	-	-	-	6 00
Two pocket handkerchiefs, destroyed at same time on board of the Caroline, worth	-	-	-	-	2 00
					<hr/>
					\$18 00
					<hr/>

UNITED STATES OF AMERICA, *State of New York, Erie county, ss.*

John C. Haggerty, of Buffalo, in said State and county, being duly sworn, deposeth and saith: That, at the time of the capture and destruction of the steamboat Caroline, this deponent had on board said boat the above articles of property, and the same were then and there destroyed and entirely lost to this deponent; and that this deponent hath not recovered or seen the said property since; and that said articles of property were severally fully and justly worth the sums above carried out opposite said articles, and amount in the whole to eighteen dollars. And further this deponent saith not.

JOHN C. HAGGERTY.

Sworn, this 2d day of February, 1838, before me,

F. P. STEVENS,
Judge of Erie county courts.

James Wilson, of Buffalo, and county of Erie, engineer on board of the steamboat Caroline at the time of her capture and destruction at Schlosser, had on board said boat at the time, and lost—

One leather trunk, worth	-	-	-	-	-	\$5 00
One overcoat, worth	-	-	-	-	-	7 00

One dress coat of blue broadcloth	-	-	-	-	-	-	18 00
Four cotton shirts, worth	-	-	-	-	-	-	5 00
Three flannel shirts, worth	-	-	-	-	-	-	4 00
One pair flannel drawers	-	-	-	-	-	-	1 50
Two pair pantaloons, worth	-	-	-	-	-	-	7 00
Three pair woollen socks, worth	-	-	-	-	-	-	1 12½

\$48 62½

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

James Wilson, of the city of Buffalo, in said State and county, a colored man, being duly sworn, deposeth and saith : That he is a free citizen of the said United States of America ; and that on the 29th day of December last past, he was employed as an engineer on board of the steamboat Caroline, of and from Buffalo aforesaid ; that on the morning of the day above mentioned, the said steamboat left the port of Buffalo, and proceeded to a place called Navy island, and from Schlosser made two trips to Navy island on the day aforesaid ; and that all the arms and munitions of war which this deponent had any knowledge of being taken on to Navy island on the day aforesaid, in the said steamboat Caroline, was one small field-piece ; and that said boat was destroyed on the night of the 29th day of December last past, by a band of armed men ; and that deponent had on board of said boat, at the time she was destroyed, the articles of property above mentioned, which were lost and destroyed, and he has never been able to recover the same, or find out where they are, if not destroyed with said boat ; and that he (this deponent) has no doubt, and is fully satisfied, that the property above mentioned, lost and destroyed in said boat at the time of her capture and destruction, belonging to deponent, was justly and fairly worth the sums above mentioned, amounting in the aggregate to the sum of forty-eight dollars and sixty-two and a half cents. And further saith not.

JAMES WILSON, his + mark.

Sworn this 29th day of January, 1838, before me,

F. P. STEVENS,

Judge of Erie county courts.

William Hinton, of the city of Buffalo, and who was cook on board the steamboat Caroline, at the time of the destruction at Schlosser, had on board said boat, and lost—

1 over-coat, green, blanket, worth	-	-	-	-	\$10 00
1 striped vest, worth	-	-	-	-	1 00
1 cotton striped shirt	-	-	-	-	1 00
1 pair blue broadcloth pantaloons, worth	-	-	-	-	2 00
1 cotton pocket-handkerchief	-	-	-	-	25
1 tarpauling hat	-	-	-	-	1 00
1 pair of slippers, worth	-	-	-	-	50

\$15 75

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

William Hinton, of the city of Buffalo, of the county and State aforesaid, a colored man, being duly sworn, maketh oath and saith: That he is a free citizen of the United States of America, and was, on the twenty-ninth day of December last past, employed on board of the steamboat Caroline, of and from the port of Buffalo, as cook, and that he took with him on to the said boat the articles of property above mentioned, all and every one of them; and that the said property was justly and fully worth the sums above mentioned, amounting in the whole to the sum of fifteen dollars and seventy-five cents; and that, at the time said boat was captured and destroyed in the manner stated in the annexed affidavit of James Wilson, deponent had said property in said boat, and left it there, and the same was destroyed and lost to him, and he has not been able to find it if the same has not been destroyed; and that deponent did not see any arms or munitions of war of any kind carried on said boat to Navy island, except one keg, which he supposed contained shot of some sort, either iron or lead, and one small field-piece, which he believes was an iron six-pounder. And further saith not.

WILLIAM HINTON, his + mark.

Sworn, this 29th day of January, 1838, before me,

F. P. STEVENS,
Judge of Erie county courts.

John Johnson, of the city of Buffalo, and who was fireman on board of the steamboat Caroline at the time of her destruction at Schlosser, in December last, had on board said boat, and lost—

1 overcoat, pilot cloth, worth	-	-	-	-	\$5 00
1 vest, worth	-	-	-	-	2 00
1 coat, worth	-	-	-	-	3 00
1 pair of boots, worth	-	-	-	-	3 00
1 pair of pantaloons, worth	-	-	-	-	3 50

\$16 50

UNITED STATES OF AMERICA, }
State of New York, Erie county, } ss.

John Johnson, of the city of Buffalo, in the State and county aforesaid, a colored man, being duly sworn, maketh oath and saith: That he is a free citizen of the United States of America, and was, on the twenty-ninth day of December last past, employed on board the steamboat Caroline, of and from the port of Buffalo, as a fireman; and that he took with him on board of said boat the several articles of clothing and property above mentioned, and that each and every of the said articles of property above mentioned were severally justly and fully worth the several sums of money above mentioned, and amounting, in the whole, to the sum of sixteen dollars and fifty cents; and that, at the time the said boat was captured and destroyed in the manner stated in the annexed affidavit of James Wilson, the above-mentioned property was in said steamboat, and was left in said boat by this deponent when he went off of said steamboat, and

the same was destroyed and lost to this deponent, and he has not repossessed himself of the same, and he does not know where it is, but has no doubt the same has been burnt up and destroyed in the said steamboat; and that he (this deponent) did not see any arms or munitions of war of any description whatever carried on to Navy island in said steamboat, except one small field-piece, called a six-pounder. And further this deponent saith not.

JOHN JOHNSON, his + mark.

Sworn, this 29th day of January, 1838, before me,

F. P. STEVENS,

Judge of Erie county courts.

A statement of claims for losses sustained in consequence of the capture and destruction of the steamboat Caroline, at Schlosser, on the 29th day of December, 1837, by a British armed force from Chippewa, Upper Canada.

William Wells, of Buffalo, for the value of the said steamboat, engine, and boiler, \$4,500.

The same, for boat-furniture, clothing, oil-jugs, as per affidavit, \$100.

Gilman Appleby, of Buffalo, as agent for the owners of the steamboat Constitution, for boat-furniture, as per bill annexed, \$198 88.

The same, as agent as above, for small boat, called jolly-boat, oars, rigging, &c., \$120.

Gilman Appleby, in his own right, for sea-stores in the Caroline, captured and destroyed, as per bill annexed, and proof, \$84 51.

John Johnson, of Buffalo, for clothing captured and destroyed on board the Caroline, \$16 50.

William Hinton, of Buffalo, for clothing captured and destroyed in the Caroline, \$15 75.

James Wilson, of Buffalo, for clothing and trunk captured and destroyed in the Caroline, \$48 62½.

John C. Haggerty, of Buffalo, for clothing captured and destroyed in the Caroline, \$18.

James H. King, of Buffalo, for nursing and other expenses attending his recovery from his wounds, \$118.

Same, for one and a half month's time wholly lost in consequence of his wounds, \$52 50.

STATE OF NEW YORK, *Erie County Clerk's Office, ss.*

I, Cyrus K. Anderson, clerk of said county, certify that Frederick P. Stevens, James Stryker, and Isaac Humphrey, Esquires, before whom the annexed affidavits were taken, were each of them, at the time of taking the same, judges of the Erie county courts; and that Dyre Tillinghast, before whom the annexed affidavit was taken, was, at the time of taking the same, a supreme court commissioner; and, also, that Milton McNeil, Esq., before whom the annexed affidavit was taken, was, at the time of

taking the same, a commissioner of deeds ; all appointed and sworn, and duly authorized to take the same. And, further, that I am well acquainted with their handwriting, and verily believe that the signatures to the affidavits aforesaid are genuine.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said county, the 7th day of February, A. D. 1838.

C. K. ANDERSON, *Clerk.*

By R. W. PADEL FORD, *Dep. Clk.*

Copy of a letter from Captain Drew, commander royal navy, to the Hon. A. N. McNab, colonel commanding her Majesty's forces.

HEADQUARTERS, CHIPPEWA, December 30, 1837.

SIR : I have the honor to inform you that, in obedience to your commands to burn, sink, or destroy the piratical steam-vessel which had been plying between Navy island and the American shore the whole of yesterday, I ordered a lookout to be kept upon her, and, at about 5 P. M. of yesterday, when the day closed in, Mr. Harris, of the royal navy, reported the vessel to me as having moved off Navy island. I immediately directed five boats to be armed, and manned with forty-five volunteers ; and about eleven o'clock P. M., we pushed off from the shore for Navy island, when, not finding her there, as expected, we went in search, and found her moored between an island and the main shore. I then assembled the boats off the point of the island, and dropped quietly down upon the steamer. We were not discovered until within twenty yards of her, when the sentry upon the gangway hailed us, and asked for the countersign, which I told him we would give him when we got on board ; he then fired upon us, when we immediately boarded, and found from twenty to thirty men upon her deck, who were easily overcome, and in ten minutes she was in our possession. As the current was running strong, and our position close to the falls of Niagara, I deemed it most prudent to burn the vessel ; but, previously to setting her on fire, we took the precaution to loose her from her moorings, and turn her out into the stream, to prevent the possibility of the destruction of any thing like American property. In short, all those on board the steamer who did not resist were quietly put on shore, as I thought it possible there might be some American citizen on board. Those who assailed us were of course dealt with according to the usages of war.

I cannot speak too highly of the conduct of the officers and men who accompanied me : their coolness and bravery shows what may be expected from them when their country requires their services. Where all behaved so well, it would be invidious in me to particularize any one ; but I may be excused for mentioning the gallant conduct of Lieutenant Shepard McCormick, of the royal navy, who nobly seconded me, and had to encounter several of the pirates in the fore part of the vessel, by which, I regret to say, he has received five desperate wounds. We have also two others wounded ; and, I regret to add, that five or six of the enemy were killed. A return of our wounded I beg to subjoin.

I have the honor to be, sir, your most obedient, humble servant,

ANDREW DREW,

Commander royal navy.

P. S. I beg to add, that we brought one prisoner away—a British subject; in consequence of his acknowledging that he had belonged to Duncombe's army, and was on board the steamer to join McKenzie upon Navy island.

ANDREW DREW.

Return of the wounded.

Lieutenant Shepard McCormick, royal navy, desperately.

Captain Warren, do slightly.

John Arnold, do severely.

ANDREW DREW.

Copy of a letter from the Hon. John Elmsly, lieutenant R. N., to the Hon. Colonel A. N. McNab.

CHIPPEWA, December 19, 1837—8 A. M.

SIR : I have the honor to inform you that I have just returned from the neighborhood of Navy island, to which point I proceeded at daybreak, with my spy-glass, to inspect the position of the rebel forces.

Soon after my arrival there, I perceived our eight-oared gig just rounding the northern extremity of Navy island ; she had been round the island, and was fired at from all parts of it with round shot, grape, canister, and musketry.

On *our coming* abreast of Fort Schlosser, I distinctly saw two discharges of heavy ordnance from a point on the main shore on the American side, not far from the fort. As soon as our boat had passed, the firing ceased.

I have deemed it no more than my duty to call your attention to this fact, to the truth of which I am prepared to make affidavit whenever called upon.

I have the honor to be, sir, your obedient servant,

J. ELMSLY, *lieutenant R. N.*

To Hon. Col. A. N. McNAB, &c.

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